The Draught of an Act for County Regiſters, Wills and Adminiſtrations; and for preventing inconvenience, delay, charge and irregularity in Chancery and Common Law (as well in Common Pleas as Criminal and Captital Cauſes) And for ſetling County Judicatures, Gardians of Orphans, Courts of Appeal, County Treaſurers and Work-houſes; with Tables of Fees, and ſhort forms of Declarations.

BIBLIOTHECA BODLEIANA
(81)

BE it Enacted by the Authority of this preſent Parliament, That at the ſecond General Seſſions of the Peace to be holden next after the paſſing of this Act for the City of *London*, and for all Counties of *England* and *Wales* (which are not a City and County, or a Town and County) The Juſtices then preſent, or the greater number of them, ſhall provide and appoint ſome convenient place within the reſpective Counties of *England* and *Wales*, for a Regiſtry; And ſhall then alſo name fix honeſt, able and underſtanding perſons, to the Grand Jury after they be ſworn, who ſhall (amongſt their Preſentments) give up the names of two of the ſaid fix; of which two, the ſaid Juſtices ſhall elect one to be Regiſter of that County: And in like maner ſhall proceed from time to time to elect a new Regiſter, upon death or removal.

And the whole City of *Briſtol* (as to the place of Regiſtry and matters to be Regiſtred) is to be accounted part of the County of *Somerſet*; The whole Town of *Newcaſtle*, part of *Dureſm*; and every other City and County, or Town and County, to be part of the County within which the ſame doth lie: And Juſtices of Peace within every ſuch City and Town, may take Acknowledgements within their reſpective Liberties of things done there, as Juſtices of Peace of the County may do within the County, by vertue of this preſent Act.

And every ſuch Regiſter is hereby Authorized and Enjoyned to provide and keep a Stamp to print with Ink, having the Arms of this Commonwealth, and encirculed with the Name of the reſpective County to which the ſame belongeth.

AND be it further Enacted, That every Perſon or Corporation, which hath or ſhall have any Incumbrance upon the Lands, Tenements or Hereditaments of any other, ſhall enter the ſame (or the effect thereof) together with their own Name, Sirname and place of abode, with the true and certain time of the ſaid Incumbrance, in the Regiſtry of the County or Counties where ſuch Perſon or Corporation intend to charge or take benefit of the ſame.

And of all Incumbrances before the ſetling of the ſaid Regiſtry, ſuch Entry ſhall be made within a year next after it is ſetled; And of all after the ſetling of the ſaid Regiſtry, within Forty days from the time of ſuch Incumbrance had, made or granted: And in default of ſuch Entry, ſuch Incumbrance ſhall not charge the Lands, Tenements or Hereditaments of any perſon, that (without notice of ſuch Incumbrance) ſhall (for valuable conſideration) be Purchaſer of, or have a ſubſequent Intereſt in or charge upon the ſame, before ſuch Incumbrance be Regiſtred as aforeſaid.

And if any perſon ſhall knowingly conceal any Deed or Inſtrument, whereby another is hindred from Entring any Incumbrance at the time of ſetling the ſaid Regiſtry, within the time limited by this preſent Act; ſuch perſons ſo concealing, ſhall forfeit the full value that any other perſon is damnified by ſuch Concealment, to the party that is ſo damnified thereby.

And every perſon within age, or of unſound minde, or beyond the Seas, and Women Covert, ſhall have for themſelves and their reſpective Heirs, Executors and Adminiſtrators, a full year from and after full Age, ſound Minde, return from the Sea, and being Diſcoverr, to enter any Incumbrance had, made or granted, before the paſſing of this preſent Act: And all ſuch Incumbrances on the behalf of the Commonwealth, ſhall be Entred in the reſpective Counties, and within the time aforeſaid, by the Officers of the Publique Revenue, who ought to iſſue out Proces for levying of the ſame: But all Rights of Paſturage, all ſorts of Common, Fiſhings, Fowlings, private Ways and Paſſages, Priviledges, Incumbrances, by Cuſtom or Preſciption, Title of Dower, quit Rents in money or otherwiſe, and Rights or Duties belonging to Manors or Seignories, at the time of paſſing this Act, are not to be held or accounted Incumbrances, to be Regiſtred within the intention of this preſent Act.

AND be it further Enacted, That all Deeds, Conveyances, or other Act by any perſon of full age and ſound minde, paſſing any Inheritance, Free-hold, or Term of years (other then Eſtates by Copy of Court-Roll, and ſingle Leaſes in poſſeſion, not exceeding twenty one years, or three Lives, at ſuch Rent or more as hath been uſually paid within twenty years next before; which Eſtates and Leaſes are hereby excepted, and not intended Incumbrances within

within any Clauſe of this Act) And that all Diſcharges or Releaſes which bar, paſs or extinguiſh any Eſtate or Right, and all Aſsignments, Surrenders, Confirmations, Reſervations, Conditions, Covenants, Limitations of Uſes, Powers of Revocation, and all truſts touching Lands, Tenements or Hereditaments, or Charges upon the ſame, and all Aſsignments of Debts amounting to One hundred pounds or more, which ſhall be had or made after the Setling of this Regiſtry, ſhall be acknowledged before ſome Juſtice of the Peace in the ſame County, and by him ſubſcribed, for which he may receive Six pence and no more; and being ſo acknowledged, they ſhall be regiſtred, together with the Names of all the Witneſſes thereunto, in a fair Book, to be ſafely kept in the Regiſtry of the ſaid County where ſuch Lands, Tenements or Hereditaments lye and be.

AND be it further Enacted, That where any Incumbrance upon Lands, Tenements or Hereditaments is ſatisfied, the party who ought to diſcharge the ſame, ſhall upon requeſt make an Acknowledgement, Diſcharge and Releaſe thereof under his Hand and Seal, and ſhall acknowledge the ſame before a Juſtice of Peace, that it may be regiſtred; and if he refuſe ſo to do, the party ſatisfying ſuch Incumbrance, may maintain an Action for recovery of what he paid in diſcharge of ſuch Incumbrance: And the like Law, for any who ſhall pay Money upon Bond or Bill at the day, if the party receiving the ſame do not deliver up the ſaid Bond or Bill, or make Oath (before ſome Juſtice of Peace) that he hath loſt it, and alſo give a Releaſe for the ſame.

But if any perſon being in one County ſhall convey, paſs, charge, releaſe or diſcharge any Lands, Tenements or Hereditaments lying in another County, he may acknowledge and enter the ſame as aforeſaid, in the county where he then is; and the Regiſter of that county ſhall forthwith cauſe a Certificate to be indorſed thereupon of the date of the Regiſtring, and ſign the ſame with his Name, and put thereto the Seal of his Regiſtry: Upon which Certificate, the Regiſter of the county where the ſaid Lands, Tenements or Hereditaments do lye, may and ſhall regiſter the ſame.

AND it is further Enacted, That every Juſtice of Peace, taking any Acknowledgement aforeſaid, ſhall either know the party ſo acknowledging, or be informed by credible Witneſſes, that ſuch party is the ſame mentioned in the Deed or Act to be regiſtred; and ſuch Juſtice of Peace may examine any ſuch parties or others on their Oaths or otherwiſe, for diſcovering of the truth; and any perſon acknowledging ſuch Act or Deed in any others name but his own, or counterfeiting the ſtamp of any Regiſtry, or the name of

any Regiſter aforeſaid, ſhall be adjudged a Felon, and ſhall ſuffer death, and incur other Forfeitures as a Felon.

AND be it further Enacted, That every Deed or Conveyance ſo acknowledged and regiſtred, ſhall be good in Law againſt the parties ſo acknowledging the ſame, their Heirs and Aſsigns, and all others whom ſuch perſons may juſtly bar, and ſhall paſs ſuch Eſtate or Right as beneficially and effectually, as if the ſame had been paſſed by any Fine with Proclamations, Common Recovery, Indenture enrolled, within ſix moneths in any Court of Record, or other courſe of Common Law or Limitation of Uſe.

And in default of ſuch Entries within forty days next after the dates of ſuch Deeds, the ſame ſhall not be effectual againſt any who for valuable conſideration ſhall be Purchaſers, or have ſubſequent Intereſt in, or Charge upon ſuch Lands, Tenements or Hereditaments before the ſame be ſo regiſtred as aforeſaid, and ſuch Aſsignee of a Debt ſhall be uncapable to ſue for the ſame until it be regiſtred. Provided always, That every married woman that ſhall paſs or bar any Eſtate or Right, ſhall firſt be examined alone by the Juſtice of the Peace, and ſhall expreſs her free and full conſent before ſuch Acknowledgement ſhall be admitted, and her husband joyn with her in the ſame Deed.

AND be it further Enacted, That every Bond or Bill obligatory, which ſhall be acknowledged by the party that made the ſame, and regiſtred in maner as aforeſaid, ſhall be of equal force with any Statute ſtaple, from the time of ſuch regiſtring, and within the county where it was ſo acknowledged and regiſtred; and upon a Certificate from the Regiſter to the Sheriff, and Oath made before the Sheriff, how much of the Debt and Intereſt is unpaid, the Sheriff ſhall forthwith proceed to do Execution, as upon Writs of Extent, and make Return thereof to the Regiſter, who ſhall enter it, and have like Fee as is hereafter in this Act appointed for Copies.

AND be it further Enacted, That a conveyance made, acknowledged and regiſtred according to the form of this Act, from the time of Regiſtring thereof, ſhall be as good in Law for any Manors, Lands, Tenements or Hereditaments of Ancient Demeaſn as others, and ſhall be of equal force as to all Manors, Lands, Tenements and Hereditements within that county where it is ſo regiſtred (to binde privies and ſtrangers) as a Fine well levied in the Court of Common-Pleas with Proclamations, by force of the Statute made in the Fourth year of King *Henry* the Seventh, or without; Saving to all perſons, their Right, Title and Intereſt, and like benefit of Entry, Action and Claim, after ſuch Con-

Conveyance ſo regiſtred, as was ſaved by the ſaid Statute after a Fine levied, and Proclamation had and made; ſo as they make their Entry, bring their Action, or purſue their Right, Title, Intereſt or Claim, within the ſame time after the regiſtring ſuch Conveyance, as they ought to have done after ſuch Fine levied, and Proclamations had and made: And ſaving alſo to all perſons, not parties or privies to the ſaid Conveyance, the like and the ſame exception as was ſaved to perſons not parties or privies to any ſuch Fine, by the Statute aforeſaid: And the paſsing of any Eſtate by a Fine to be levied with Proclamations or without, from the time of ſetling the County-Regiſter according to this Act (as to any Manors, Lands, Tenements or Hereditaments within the ſaid county) is to be no more uſed.

That in caſe any Deed or Bond ſo regiſtred ſhall be loſt or miſlayed, ſo as the ſame cannot be produced, upon Oath thereof made, any Action may be brought and maintained upon a Copy of the ſame Deed or Bond ſo regiſtred, as if the ſaid Deed or Bond were produced under the Hand and Seal of the party that acknowledged the ſame; and that every Deed or Bond indorſed, regiſtred and atteſted by the Stamp of the Regiſtry, ſhall and may be given in Evidence upon all occaſions, as any Deed inrolled in a Court of Record, without any further proof.

AND it is further Enacted, That every Regiſter ſo choſen as aforeſaid, ſhall (before the execution of his Office) take an Oath either in open Seſsions or before two Juſtices of the Peace (to be certified to the next Seſsions) for his faithful Execution of, and diligent Attendance upon the ſaid Office, and at the ſame time ſhall alſo give ſecurity by Recognizance of Two thouſand pounds to the Commonwealth, conditioned that he ſhall faithfully Execute and diligently Attend upon the ſaid Office; out of which Security, ſatisfaction ſhall be made to any party by him damnified by any undue practice, neglect or miſcarriage in his ſaid Office; and he ſhall be further lyable to be put out, upon juſt cauſe preſented by the Grand-Jury, to be tried & determined in open Seſſions. And the ſaid Regiſter ſhall obſerve theſe Rules and Inſtructions following;

Inſtructions for the Regiſter.

I.

HE ſhall provide one Book with a fair Margent, which ſhall be called *The Book of Entries*, wherein he ſhall ſhortly enter the Names of the perſons making the Deed, Inſtrument or Incumbrance, the perſon to whom, and the nature thereof, with the date, and ſhall number the ſame in the Margent: As for Example,

I. S. *A Judgement in the Common-Pleas againſt* I. N. *the One and twentieth of* May 1651. *for One hundred pounds Debt, and Twenty ſhillings Coſt. Roll.* 2^d^. *Numero primo.*

I. D. *An*

J. D. *An Indenture of ſale of Lands in* S. &c. *to* J. S. *Dated the One and twentieth of* May, 1651.

And ſhall enter every Deed and Inſtrument in his Book, in the order of time as the ſame are brought to him.

II. He ſhall provide other fair Books with large Margents, called Regiſter-Books, and diſtinguiſhed one from another by Letters or otherwiſe, Regiſtring without delay all things appointed by this Act, with the number in the Margent agreeing with that in the Book of Entries, and cloſe to the end of the laſt word of every thing Regiſtred, the writing Clerk ſhall put to his Name; and then the thing ſo Regiſtred ſhall be delivered back to the party that brought it, and Indorſed with the day when the ſame is Regiſtred (which is to be that day when the ſame was firſt left with him) and the Book and Leaf wherein it is begun to be Regiſtred, and ſubſcribe his Name, and put to the Stamp of his Office: And when the ſame is ſo Regiſtred, then he ſhall make a ſhort Entry thereof in his Book of Entries; As for example,

Regiſtred the Two and twentieth of May, 1652.
Book A. *Page* 1.

III. The ſaid Regiſter-Books ſhall be of one ſize, and each of them to contain a certain equal number of Leaves, to be figured and ruled on either ſide and end of the Page, leaving a Margent, and a certain equal number of Lines written in every Page, writing ten Words at leaſt in every Line one with another; which alſo ſhall be written in a fair Legible hand, without Interlineations, Blots or Raſures, as much as may be: And in caſe any ſuch ſhall happen, the Regiſter ſhall mention the ſame in his Indorſement.

IV. The Regiſter of the City of *London*, beſides the former Books, ſhall keep one Book diſtinct, wherein he ſhall Enter all ſuch Goods, Eſtate or Truſt of the ſame, as ſhall be diſcovered by any perſon whatſoever to belong to any in Execution, or againſt whom Execution is awarded within this Commonwealth.

V. Where any Releaſe or other Diſcharge is brought to the Regiſter, beſides the Entry thereof, he ſhall alſo make a Note of the ſame in the Margent of that Book where the Charge or Incumbrance was Entred.

VI. The Regiſter for his Indorſement and Stamp, ſhall receive Twelve pence to his own uſe, and Twelve pence to the uſe of the Commonwealth: And if the thing Regiſtred exceed twelve Lines, for every twelve Lines with ten Words in a Line, beſides the firſt twelve

twelve Lines, Three pence and no more, whereof One peny to the Treaſury of the County towards the County Stock.

VII. Every Regiſter ſhall make and keep perfect Alphabetical Tables and Kalenders, whereby the Names of Perſons, Conveyances and Incumbrances, may be readily found upon ſearch; And for every ſearch ſhall receive Six pence to his own uſe and no more, and ſhall permit any perſon (ſearching in the preſence of the Regiſter or one of the Clerks, and not otherwiſe) to read over any thing by him ſearched for, but not to take Notes or Copies, but ſuch as ſhall be Copyed out by the Regiſter or his known Clerks, whereof the Searcher may take ſuch part, and as little as he pleaſe, paying after the Rate of Two pence for every twelve Lines; and if he requires to have it certified by the Regiſter, under his Hand and Stamp of Office, he ſhall pay more to the Regiſter Six pence to his own uſe, and Twelve pence to the uſe of the Commonwealth: And of all ſuch Certificates the Regiſter ſhall keep a Book, wherein he ſhall enter a ſhort Note of the Certificate, and give notice thereof to his chief Clerk, who ſhall alſo keep a little Book, wherein he ſhall enter a ſhort Note of all ſuch Certificates.

VIII. The Regiſter ſhall put in honeſt and able Clerks, for whom he will anſwer, and ſhall execute this Office in perſon and not by Deputy, ſaving time of ſickneſs; during which time, and in the vacancy of the Office by death, the chief Clerk ſhall in his own Name do, receive and act as the Regiſter, and keep the ſaid Printing Stamp; and the hours of attendance in the Office of Regiſtry, ſhall be from nine to twelve in the forenoon, and from two to four in the afternoon of every day, except the Lords-day, and days of Publique Humiliation and Thankſgiving: And no Candle-light or Fire ſhall come into the place where the Regiſter Books are kept.

IX. Any three of the Juſtices of the Peace, upon reaſonable cauſe appearing to them, may licenſe the Regiſter to be abſent from the Office, ſo as they exceed not Forty days in any one year: And that during the time of his abſence, the chief Clerk ſhall conſtantly attend and execute the ſaid Office.

AND be it further Enacted, That the greater number of the ſaid Juſtices of the Peace reſpectively, at the General Seſſions ſhall chooſe one to be Treaſurer for the County for a year then next enſuing, and until another be Elected, and ſo ſhall Elect from year to year, or oftner in caſe of death; which ſaid Treaſurer is hereby made a Corporation, to take Lands or Goods, or other things for benefit

benefit of the ſaid County, and to ſue and be ſued, and to have continuauce for ever; and ſhall manage and diſpoſe of the Stock of the County, according to the order of the Juſtices in Publique Seſſions, which Order is to be Signed by five of the Juſtices at the leaſt who made the ſaid Order: And every ſuch Treaſurer (at the going out of his Office) his Heirs, Executors or Adminiſtrators, ſhall account to the next ſucceeding Treaſurer, and pay and deliver over by Indenture, all things in his or their hands belonging to the County Stock.

For Wills and Adminiſtrations.

AND *be it further Enacted by the Authority of this preſent Parliament*, That the age of any perſon to make a Will of Goods or Chattels, from and after

ſhall be

Seventeen years and not under; And that from and after the ſaid day, all Wills ſhall be allowed, and Adminiſtrations granted in maner by this Act declared, and not otherwiſe (that is to ſay) The allowing of Wills, and granting Adminiſtrations, and all things depending upon the ſame, of all perſons dying within the County of *Middleſex*, ſhall be within the Juriſdiction of the Court of *Commom-Pleas*, and the Judges of the ſaid Court (or the greater number of them) ſhall appoint a Regiſter for all matters concerning Wills, and granting Adminiſtrations, and all matters depending thereupon within the ſaid Juriſdiction (who ſhall execute the ſame in perſon and not by deputy, and take an Oath before the ſaid Judges, two or more of them, to be faithful and uncorrupt in his Office) and every Will in writing within the ſaid Juriſdiction (and if a Nuncupative Will, then the effect thereof ſet down in writing) ſhall be produced by the Executor (if any be named) and if none, then by ſome other, before ſome Juſtice of the Peace of that County, or ſome Judge of the ſaid Court; and the Executor (where any is named, and where none, ſome Witneſs to the Will) ſhall take his Oath before ſuch Juſtice or Iudge (who are hereby enabled to adminiſter the ſame) that he or they do verily believe that the ſaid Will is the whole laſt Will of the party deceaſed; and ſuch Iuſtice or Iudge ſhall atteſt the effect of ſuch Oath made before him under his Hand and Seal, either under the Will or affixed thereunto, which ſhall be a ſufficient Warrant for the Regiſter for Wills of the ſaid Court, to cauſe the ſaid Will to be fairly entred in a Regiſter-Book by him to be kept for that purpoſe; and he ſhall take the Executors own Security to bring in an Inventory within forty days, according to the true intent of this Act, unleſs the Executor ſhall confeſs he hath ſufficient to perform the Will; and in ſuch caſe

ſhall

ſhall cauſe the Executor to give his own Security to perform the Will, and ſhall then deliver back the ſame Will, (if it be in writing; and if Nuncupative, a true Copy thereof, teſtifying under his hand that it is allowed) to the Executor, where any is named, or elſe to the Adminiſtrator, with the Will annexed, under the Seal of the ſaid Court, if no perſon oppoſe the Allowance thereof; and ſuch Allowance ſhall be as good to all intents and purpoſes, as a Will heretofore proved in common Form, under the Seal of the competent Ordinary.

AND it is further Enacted, That where two or more perſons (being within this Commonwealth, and of the age of Seventeen years) are made Executors, if any one of the Executors ſo named ſhall not, within Fifteen days after notice, come in and take upon him the Executorſhip, or ſhall renounce the ſaid Executorſhip before the ſaid Regiſter, or any Iudge of the ſaid Court, the Regiſter ſhall make Entry thereof in his Book; and that then ſuch perſon or perſons ſo renouncing, or not taking the ſaid Executorſhip, ſhall be diſabled to take upon him or them the Execution of the Will, or to releaſe any Debt, or otherwiſe to diſpoſe of the Eſtate of the deceaſed; And the other Executor or Executors that ſhall take upon him or them the Executorſhip, ſhall and may ſue, proſecute, adminiſter, and do all ſuch acts as belong to the Office of an Executor, as if the perſons (not taking upon them the Execution or Renouncing) had not been named Executors in ſuch laſt Will.

AND be it further Enacted, That if any Inhabitant within the ſaid County after the ſaid
ſhall die inteſtate, or not naming an Executor, or that ſome Executor in the Will named, ſhall not within Fourteen days (after notice of ſuch Will) take upon him the execution thereof, That then the Adminiſtration of ſuch perſon ſo dying, ſhall be committed in ſuch maner as hereafter is limited (that is to ſay) To the husband or wife of ſuch perſon ſo dying, requiring the ſame; or if he or ſhe have no husband or wife, or that ſuch husband or wife ſhall not require ſuch Adminiſtration, then to the eldeſt Childe; and if no Childe be, then to the father; and if no father, then to the mother of the perſon deceaſed; and if no ſuch father or mother be, or that ſuch father or mother ſhall not require the ſame, then to the Heir at Law of ſuch perſon deceaſed; ſo as the perſons deſiring Adminiſtration (where there is no Will) do firſt make Oath that they know of no Will, and give ſecurity to be allowed by the ſaid Iudges or two or more of them, faithfully to adminiſter, and to do whatſoever ſuch Adminiſtrator ought by Law to perform; or in default of ſuch Security, then to ſuch perſon or perſons as the ſaid Iudges

(two or more of them) ſhall think fit, upon Security given as aforeſaid; which Security ſhall be taken by the ſaid Regiſter in the Name of the Keepers of the Liberty of *England* by Authority of Parliament, and a Copy thereof, and of other Securities taken by the ſaid Regiſter for the ſaid County by vertue of this Act, ſhall be entred in the Regiſters Book for the ſaid County, and ſhall and may be extended for the uſe of the parties injured, and vacated and diſcharged as the ſaid Court ſhall finde juſt, and have the force of a Statute-ſtaple within the ſaid County, from the time of Entry of the ſame in the ſaid County Regiſter: And all Adminiſtrations granted, and Allowances of Wills by the Regiſter of Wills, within Fourteen days next after the death of any perſon, ſhall be void.

And if any perſon within the age of Seventeen years be made Executor of any Will, or if any ſuch perſon to whom ſuch Adminiſtration ought to be committed, ſhall be within the ſaid age, That then (during ſuch Minority) the Adminiſtration ſhall be committed to ſome Guardian of ſuch Infant, for the benefit of ſuch Infant; And if at any time before a Will allowed, or Adminiſtration granted, any perſon ſhall oppoſe the ſame, That then the party oppoſing ſhall deliver to the Regiſter in writing the Grounds and Reaſons of ſuch his oppoſition, and then ſhall give Security to the Regiſter to make good the ſame, and pay the adverſe party his Coſts and Damages for delaying the ſame; and thereupon the allowance of the Will and granting Adminiſtration ſhall be ſtaid, until the Judges of the ſaid Court, or two or more of them (who are hereby Impowered to do and act touching all things concerning Wills and Adminiſtrations (as the Court of *Common-Pleas*) at all times of the year) ſhall hear and determine the ſame; who in ſuch and all other caſes, upon complaints of the undue ſetting a foot, or allowance of Wills, or undue granting of Adminiſtrations (being put in writing and delivered to the Regiſter) are to hear and determine the ſame without delay; And in order thereunto are impowered to ſummon Parties and Witneſſes, and puniſh Contemners by Fine and Impriſonment: And if any matter of Fact ſhall ariſe before them concerning any Will, or granting Adminiſtration, then to direct a ſpeedy Tryal, ſummon a Jury, and proceed to try and give Judgement for Allowance or Diſallowance of the ſaid Will, or granting Adminiſtration in a ſummary way, without obſerving any unneceſſary Formality; and that during the time that any Queſtion depends before the ſaid Judges, touching the Allowance of any Will, or granting Adminiſtration, they (two or more of them) ſhall take care to preſerve the Eſtate of the deceaſed from periſhing or being imbeziled, in ſuch ſort, as they in their diſcretions ſhall think fit: And that until Adminiſtration granted or the Will allowed, no part of the deceaſed's Eſtate, (except goods

periſhable) ſhall be altered in property, unleſs for the neceſſary charges of his Funeral, and the ſuſtenance of his Family.

AND be it further Enacted, That the ſaid Executor or Adminiſtrator, within Forty days next after a Will allowed, or Adminiſtration granted, ſhall cauſe three or more honeſt and able perſons (not of kindred to the deceaſed, but Inhabitants near to the place where the deceaſed's Goods & Chattels are) to Appraiſe the ſame at a true value, and to take an Oath before a Juſtice of Peace or one of the ſaid Judges, that ſuch Appraiſment is juſt; and within the time aforeſaid, ſhall cauſe the ſame, and all the Money of, and particular Debts owing to the deceaſed, by Mortgage or otherwiſe, and all truſts of Goods, Chattels or Debts belonging to the ſaid deceaſed, to be Inventoried and delivered in to the ſaid Regiſter: And ſhall before one of the Judges of the ſaid Court make Oath, *That he doth believe, That the ſaid Inventory doth contain all the Goods and Teſtamentary Eſtate belonging to the party deceaſed, in Law or Equity, without any wilful Omiſsion or Undervaluation.*

AND it is hereby Declared, That the Jewels of the Wife, during Coverture, are the Goods of the deceaſed Husband (where his other Goods and Chattels ſhall not be ſufficient to pay his Debts) And as any further Eſtate of a perſon deceaſed, after an Inventory put in, ſhall be diſcovered, the ſaid Executor or Adminiſtrator ſhall cauſe the ſame, within Forty days next after ſuch Diſcovery, to be Appraiſed, Inventoried, and delivered in to the Regiſter, as before is appointed: And if any Executor or Adminiſtrator ſhall not (within Forty days after any Goods or Eſtate belonging to the deceaſed, in Law or Equity, come to his hands or knowledge) cauſe the ſame to be Inventoried and delivered in to the Regiſter; or if any other perſon ſhall conceal in his hands, any Eſtate or truſt of Eſtate liable to the Debts of the deceaſed, and ſhall not diſcover the ſame to the Executor or Adminiſtrator, or to the Regiſter of Wills where the Will is proved, or Adminiſtration granted within Forty days, the ſame (as to any Creditor of the deceaſed, who ſhall ſue any of the ſaid parties for a Debt owing by the deceaſed) ſhall and may be recovered for or towards the ſatisfaction of ſuch Creditors Debt; and if the Debt amount not to ſo much, the ſurpluſage ſhall go to the Executor or Adminiſtrator: And if the omiſſion of ſuch Executor or Adminiſtrator, or concealment of any other perſon be wilful, Then the party wilfully concealing as aforeſaid, ſhall forfeit double the value of the thing ſo wilfully concealed, towards the ſatisfaction of the Debts of the deceaſed; And if the forfeiture be more then will ſatisfie ſuch Debt, the ſurpluſage ſhall go to the Commonwealth.

AND be it further Enacted, That the allowance of Wills, and granting Administrations of all Inhabitants dying within the City of *London* and Liberties thereof, shall be within the Jurisdiction and Cognizance of the Court of the Lord Major and Aldermen of the said City, and not elsewhere: And the Judge or Judges of the said Court, shall proceed and act in all matters concerning allowance of Wills and granting Administrations, and all things depending upon the same within the said Jurisdiction, as the Judges of the Court of Common Pleas (two or more of them) within the County of *Middlesex*: And he that is chief Clerk of the said Court in *London*, shall also act and have like benefit within the said Jurisdiction of *London*, as the Register for Wills of the Court of Common Pleas within the County of *Middlesex*.

And that the Allowance of Wills and granting Administrations, and all things depending upon the same, of all Inhabitants dying within all other the respective Counties of *England*, shall be within the several and respective Jurisdictions and Cognizance of the several and respective Courts of Judicature of the said Counties: And the five Judges chosen by the Councel of State for every such Judicature, or any three or more of them, within their respective Counties (whereof one to be a Councellor at Law, or one of the Judges of the Courts at *Westminster*) shall choose a Register for Wills and Administrations; and shall and are hereby impowred to proceed and act in all things touching the premises within the said respective Counties, as the Judges of the Common-Pleas (or two or more of them) within the County of *Middlesex*: And the said Register of each County Judicature, shall and may do and receive within such County, as the Register of the Court of Common-Pleas within the County of *Middlesex*.

AND it is hereby Enacted, That (as touching all Matters within this Act) all Places are to be accounted within the several and respective Counties of the Commonwealth, in such sort as for Registring Conveyances in the County Registry.

And that the allowance of Wills and granting Administrations of persons dying in *Wales*, shall be within the several Jurisdictions of the Court of great Sessions, who within their several Jurisdictions shall have like power as the said Court of Common-Pleas within the said county of *Middlesex*.

AND be it further Enacted, That any person having a Will in his custody, and wilfully concealing the same by the space of Fourteen days (next after the knowledge of the Testators decease) from the Executor; or the Court having Jurisdiction thereof, and where himself is Executor from the Court which hath Jurisdiction

riſdiction of allowing it, being thereof convict, ſhall ſuffer ſuch pains and puniſhment as a perſon convicted of Perjury according to this Act.

That where any perſon requires to have Witneſſes examined for proof of any Will, he may repair to the Regiſter of the Court having Juriſdiction touching the ſaid Will; or in caſe of a deviſe of Lands, or Rent or Profit out of Lands, to the Regiſter of Wills of that Juriſdiction where the ſaid Lands do lye, and deliver to him in writing the Names and Sirnames of all ſuch Witneſſes, with their qualities and places of habitation; and thereupon the ſaid Regiſter ſhall enter the ſaid Witneſſes names in the Regiſter-Book, and cauſe a Copy of their Names, Qualities and places of habitation to be made and fixed upon ſome publique place, (where the Court of Judicature for Wills is uſually holden) for three Court-days, declaring by whom the ſaid perſons are produced, and for the proof of what Will; and if within Twenty days next enſuing there ſhall be no order to the contrary by the Judges of the Judicature having Juriſdiction for allowing of Wills, the ſaid Regiſter may proceed to cauſe ſuch Witneſſes to be ſworn before any of the ſaid Judges, and examine them, and enter their Examinations in Books for that purpoſe: And the ſaid Examinations or true Copies atteſted under the Regiſters hand and ſeal of the ſaid Court, are to be allowed as good Evidence in all Courts and places (if ſuch Witneſſes be dead, or cannot be brought to give Evidence when their Teſtimony is to be uſed) touching ſuch Wills.

That the ſurpluſage of the Goods, Chattels and perſonal Eſtate of an Inteſtate, after Funeral Charges and Debts paid and diſcharged, ſhall be diſtributed in maner following, (that is to ſay) One third part to the husband or wife of the Inteſtate, and the reſidue to be equally divided amongſt all the children of ſuch Inteſtate not advanced in the life of the Inteſtate; and if any of ſuch children be dead, their part ſhall be equally divided amongſt their children unadvanced; and for want of Children, Grand-children or other lineal Deſcendents of the Inteſtate, then the whole to remain to the husband or wife of ſuch Inteſtate; and if there ſhall be no ſuch husband or wife, then all the ſurpluſage amongſt the children of the Inteſtate unadvanced as aforeſaid; and if any of the children be dead, their part or ſhare ſhall be equally divided amongſt their children unadvanced: And for want of ſuch children or other lawful Deſcendents from them, the ſaid ſurpluſage (remaining over and above one third part to the Adminiſtrator) ſhall be equally divided amongſt the brothers and ſiſters of the Inteſtate; and if any of them be dead, then his or her ſhare ſhall be equally divided amongſt his or their children unadvanced; and where no Brothers or Siſters, to go to the Father and Mother of the Inteſtate; and for want of ſuch, to the Grand-father and Grand-

Grand-mother: And there ſhall be no further or other Diviſion or Diſtribution of the Eſtate of ſuch Inteſtate.

Provided, That this Diſtribution ſhall not extend to the Eſtates of Freemen of *London*, nor to any Inteſtates Eſtate where the ſame is partable already according to cuſtom.

AND be it further Enacted, That Legacies in kinde, after Funerals and Debts, are firſt to be paid; and Legacies in money, to abate in proportion where the Eſtate will not pay the whole (if there be no direction in the Will to the contrary:) And where any Legacy is payable to an Infant, Lunatick or Ideot, the Court allowing Probate of the Will, may give order for payment, and for the Executors Diſcharge, or ſuch other party as ſhall pay the ſame.

And though a Legatee hath received his whole Legacy, the Court may order reſtitution of ſuch part as they ſhall finde to be more then his ſhare, by reaſon of Debts or Duties owing by the Teſtator, diſcovered after ſuch Legacy paid, or the Teſtators hopeful Eſtate becoming deſperate; and that as well Legacies as Dividends within this Act, ſhall and may be recovered within the Courts of Judicature, having allowance of Wills, or in any other maner, by Action formed upon the Caſe, according to the courſe of the Common-Law.

AND be it further Enacted, That the payment of a due Debt by an Executor or Adminiſtrator, by Specialty or without, not having notice of Debts to the Commonwealth, or by Judgement, Statute or Recognizance, at the time of payment, ſhall not be accounted the waſting of an Eſtate.

That where an Executor or Adminiſtrator, after an Inventory put in, ſhall deſire to paſs an Accompt, and have a Diſcharge, he ſhall bring his Accompt in writing under his hand of all Receipts and Payments, and make Oath of the truth thereof before the Regiſter of Wills, or the Judge of the Court, and deliver it to the ſaid Regiſter, who ſhall File the ſame, and cauſe it to be Entred in his Regiſter-Book, the day when the Accompt was Filed; and ſhall thereupon cauſe a writing to be made, and ſign it with his hand, to this effect:

The day of A. B. *the Executor (or Adminiſtrator) of* C. D. *brought in an Accompt of his Eſtate, and deſires to have his Diſcharge; if therefore any party will oppoſe it, he may except againſt the ſame, within ſix moneths from the date hereof, otherwiſe the Accompt will be allowed; which Writing he ſhall affix in ſome publique place where the Court uſually ſits, for ſix Court days.*

That

That if within the ſaid ſix Moneths no Exceptions be taken, or being taken, the Accompt notwithſtanding allowed by the Judges having Juriſdiction touching Wills and Adminiſtrations (who are hereby Authorized to hear and determine the ſame, and examine Parties and Witneſſes, and try matters of Fact by Jury where there is Exception taken) The Regiſter ſhall thereupon enter the ſame in his Regiſter-Book, and cauſe a Copy of the ſaid Accompt to be put under his Hand and Seal of the Court; and the ſame Accompt, as to all matters of Payment particularly contained therein and allowed, ſhall be Final, and a full Diſcharge to ſuch Executor or Adminiſtrator upon producing thereof, upon any Tryal or other occaſion whatſoever.

AND be it further Enacted, That if any perſon finde himſelf agrieved by any undue Allowance of a Will, or undue granting of an Adminiſtration, he may in the Court of the County Judicature where the ſame was allowed or granted (except for *London* and *Middleſex*, and for them in the *Upper-Bench*) bring an Action upon his Caſe againſt ſuch Executor or Adminiſtrator, and the ſame to be tryed as other Tryals; And if the Iury finde for the Plaintiff, then ſuch Allowance of the Will or Adminiſtration to be adjudged void, and the Will to be allowed, and Adminiſtration granted according to the right of the Party found by ſuch Verdict, which is to be final; but ſuch Tryals in the County Iudicatures are to be at the General Seſſion, and not at any other time: And upon every Tryal in ſuch Action where any Verdict is given, or the Plaintiff become Non-ſuit or Diſcontinues his Suit, the Court is to give full Coſts on either ſide as there ſhall be cauſe, and the Party that is to pay the Coſts, ſhall alſo pay a Fine of Twenty ſhillings to the Commonwealth.

That where any Executor or Adminiſtrator, with a Will annexed, ſhall deſire to prove a Will by Witneſſes, the Iudges having Juriſdiction as aforeſaid, may cauſe ſuch Witneſſes to be examined as ſhall be produced for proof of the ſame; and being ſo proved, or by Witneſſes (if oppoſed by an adverſe Party) the Iudges ſhall declare the ſaid Will proved by Witneſſes, and the Regiſter ſhall enter the ſame and the day thereof, in the Regiſter-Book, and (at the deſire of any Party requiring it) ſhall certifie the ſame or a true Copy thereof under his Hand, to be proved by Witneſſes, and put the ſame under the Seal of the Court, which ſhall be allowed to be given in Evidence in any Court or place whatſoever.

That if an Heir ſhall be inforced to pay any Debt of the Anceſtor, where the Executor or Adminiſtrator is lyable to Payment, and have ſufficient Teſtamentary Eſtate to perform the Will, pay Debts and Funeral Charges, and alſo the Debt paid by the Heir, ſuch Heir may maintain an Action grounded upon his Caſe againſt

ſuch Executor or Adminiſtrator for what he hath ſo paid, as if he were a Creditor of ſuch Anceſtor, and recover as far as there ſhall be Aſſets, with Coſts and Damages.

That Manors, Lands, Tenements or Hereditaments, and the Rents and Profits of the ſame, which ſhall be deviſed, to be received or diſpoſed by an Executor or Executors for payment of Debts, or performance of a Will, ſhall (as to the value of the ſame) be Aſſets to all intents and purpoſes for payment of ſuch Debts and Legacies at the Suit of any Creditor or Legatee, as other the perſonal Eſtate of ſuch Teſtator; But if ſuch Executor ſhall conceive the ſaid Manors and Lands over-valued by a Jury upon any ſuch Suit, he may deliver the ſame at the value to ſuch as ſhall ſue for any ſuch Debt or Legacy, or ſuffer Execution to go againſt the ſaid Manor, Lands, Tenements or Hereditaments, and free his own proper Eſtate.

A Table of Fees touching allowance of Wills, and granting Adminiſtrations.

	l.	*s.*	*d.*
TO the Commonwealth for the Seal, where the Deceaſed's Teſtamentary Eſtate exceeds not 50 *l.*	0	0	6
Where it exceeds 100 *l.*	0	1	0
Where it exceeds 500 *l.*	0	2	0
For Adminiſtring every Oath,	0	0	4
To the Regiſter for Summons of any Party or Witneſs to appear, the Proſecutor putting in as many Names as he pleaſeth,	0	1	0
To the Commonwealth for the Seal,	0	0	6
To the Regiſter for every Order ſhortly drawn up,	0	0	6
To him for Examining a Witneſs, and Entring his Examination in the Regiſtry,	0	2	6
To him for a Search and Liberty to read,	0	1	0
To him for taking Security,	0	1	6
Whereof he is to pay Six pence to the County Regiſter for entring it there.			
To him for Proces of Execution upon any Security by him taken,	0	1	0
To the Commonwealth for the Seal,	0	0	6
To him for vacating or diſcharging any Security,	0	0	6

	l.	s.	d.
To him for every Adminiſtration granted or allowance of a Will, not exceeding twelve Lines with ten words in a Line, and Entry thereof in the Regiſtry-Book, and his care in preſerving the ſame,	0	2	0

And where a Will exceeds twelve Lines, for every twelve Lines above the firſt, three pence, whereof one peny to the Commonwealth.

To him for all Copies, two pence for every twelve Lines, accompting ten words to a Line: And if his Certificate be required under the Seal of the Court, twelve pence to him for his Certificate and Entring the ſame, and ſix pence to the Commonwealth for the Seal.

To the Regiſter for Entring of any ſuggeſtion in oppoſition of any Will, or granting Adminiſtration, if under twelve Lines, accompting ten words to a Line, twelve pence; if above twelve Lines, three pence for every twelve Lines above the firſt, whereof one peny to the Commonwealth.

For writing any thing not herein expreſſed, for every twelve lines with ten words in a line,	0	0	2
For an Anſwer in writing to a Petition,	0	2	6

Touching the Chancery.

Sect. I.

Be it Enacted by the Authority of this preſent Parliament, That the Court of Chancery ſhall hear and determine all Cauſes of Equity in one certain Pulique place, and not elſwhere: And that there ſhall be in the ſaid Court a chief Clerk, to be choſen from time to time by , who ſhall from and after make forth all Proces and all Commiſſions, and other things iſſuing out of the ſaid Court, and ſhall take the Returns of the ſame and File them: And alſo all Bills, Anſwers, Pleadings and Depoſitions in the ſaid Court, and enter and keep all the Records thereof and matters Filed (as of Record) there: And ſhall have ſuch and ſo many Under-Clerks for writing and diſpatch of buſineſs under him, as ſhal be allowed and approved by the Judges of the ſaid Court from time to time, who ſhall adminiſter an Oath both to the chief Clerk and under-Clerks, to deal faithfully and uncorruptly in their places: And out of the Fees payable to the chief Clerk, ſhall appoint how much the under-Clerks ſhall have for their pains; which chief Clerk and under-Clerks ſhall conſtantly attend and exerciſe their places in perſon and not by Deputy:

And upon the avoidance of the chief Clerks place, the under-Clerks ſhall from time to time ſucceed according to their Antiquity, if they be not found uncapable of executing the ſaid Office: And all the Records and Matters Filed on Record in the ſaid Court, ſhall from and after be in the cuſtody of the ſaid chief Clerk, who is hereby appointed to take the ſame into his charge.

SECT. 2.

That there ſhall be ſuch and ſo many Attorneys of the ſaid Court, as the Judges thereof ſhall from time to time appoint, who ſhall take the like Oath as Attorneys at the Common Law: And until ſuch appointment be made, the ſix Clerks, and Clerks of the Petty-bag; and the Under-Clerks to the ſix Clerks in their Office, and to the Clerks of the Petty-bag in their Office, ſhall be Attorneys of the ſaid Court.

SECT. 3.

That the Proces for Appearance in the ſaid Court of Chancery, ſhall hereafter be by Summons and not otherwiſe, which Summons ſhall be thus;

The Keepers of the Liberty of England *by Authority of Parliament, To* A. B. *of* C. *in the County of* D. *We command you to ſatisfie* R. D. *of* F. *concerning the complaint in his Bill, a Copy whereof we ſend you; or within Fifteen days after notice hereof, to appear and anſwer the ſame. Given under the Great Seal of* ENGLAND, *the day of*

And the name of the party that made the Summons, and the true party that ſued it forth, or the Attorneys name ſhall be underwritten.

SECT. 4.

That a Plaintiff may put the names of all Defendants into one Summons, and that (and all other Proces of the ſaid Court) ſhall be ſealed open: And the ſhewing the Summons where the Defendant is preſent, and leaving a fair Copy thereof with him or her, and a Copy of the Bill; or leaving a Copy of the Summons and Bill at his or her Habitation, with ſome perſon there (if any be to be found) or elſe at the door of the houſe (if no perſon be there to be found) ſhall be a good Service on that Defendant: And the party ſerving the ſame, ſhall Endorſe the Summons with the time and maner of ſervice, and make Oath thereof before ſome Juſtice of Peace

Peace or Maſter of Chancery, and return it whence it iſſued, and the Bill ſhall be duly Filed at or before the return of the Summons.

Sect. 5.

That from and after the eſtabliſhing of County Regiſters, any perſon that exhibits a Suit in Equity for any Manors, Lands, Tenements or Hereditaments, ſhall not have the benefit of any Decree to be made touching the ſame, as againſt any Purchaſer or other claiming Intereſt in or profit out of the ſame for valuable conſideration, but from the time of the Entry of ſuch his Claim, Suit or Decree, in the Regiſtry where the ſame do lie.

Sect. 6.

That the Defendant being duly ſerved and not appearing, ſhall forfeit Forty ſhillings to the Plaintiff, and Twenty ſhillings to the Commonwealth: And Proces ſhall be made forth, directed to the Sheriff, Coroner, or ſuch other perſon as the Plaintiff ſhall name, to attache the Defendant by Body, Lands and Goods, to inforce him to appear and anſwer, returnable at ſuch time as the Plaintiff ſhall deſire; which Proces ſhall not be executed, or being executed ſhall be diſcharged, if the Defendant doth pay the aforeſaid forfeitures and charge of the Proces; and under his hand on the backſide of the ſaid Proces declare, That he will appear at the Return thereof, and within eight days after make his defence; or otherwiſe make oath before the Sheriff or Coroner, That he had no notice of the ſaid Summons, with ſuch Declaration to appear and anſwer as aforeſaid: And ſuch Proces, either Executed or thus Indorſed; or where it cannot be executed, ſhall at the Return-day be returned whence it iſſued, and be there Filed: And in caſe the Body cannot be attached, and Iſſues be returned upon Lands or Goods, the ſame ſhall be to the value of Four pounds, which ſhall be forfeited for not appearing, one half to the Commonwealth, the other to the Plaintiff.

Sect. 7.

That where the perſon of the Defendant ſhall not be Attached upon this Proces, and in Cuſtody, or the ſaid Proces Endorſed as aforeſaid, or the Defendant ſhall not appear on the Return thereof, the like Proces ſhall be ſent to all the Sheriffs and Coroners of *England*, and ſuch others as the Plaintiff will name: And the Defendant ſhall alſo ſtand diſabled to proſecute any Suit in any Court (except in Cauſes where Iſſue is joyned, and there onely to Tryal) And the Court may alſo Sequeſter the thing in demand by

the Bill from the Party not appearing, until Appearance and Answer, except it appear to the Court by oath, That (at the service of the Summons) the Defendant was not within this Commonwealth; in which case the Court may give such time for Appearance and Answer, as shall be meet.

SECT. 8.

That where any Defendant hath declared under his hand that he will appear as aforesaid, and appeareth not, or is in custody for not appearing, or having appeared for not answering, or not answering sufficiently, The Court shall order him to answer, or the Bill to be taken confessed; and if within Eight days after notice of that Order the Defendant shall not answer accordingly, the said Cause shall be put in the Book of Hearings, and such Decree made thereupon, as if the Defendant had confessed the Equity in the Bill: And if upon the said Hearing it shall appear, that the said Defendant ought by Answer to discover any thing for the Plaintiffs relief, the Court may inforce the same by strict Restraint of the said Defendant, and Fine to be imposed by the Court; one half thereof to the Commonwealth, the other to the Plaintiff.

SECT. 9.

That where a Defendant doth appear, and doth not Answer, Plead or Demur, within eight days, he shall forfeit Five pounds for the first eight days default, to be paid to the Plaintiff, and Ten pounds for every eight days default after, one half to the Plaintiff, the other half to the Commonwealth: And the Party plaintiff may nevertheless in such case take forth such Proces as before, to Attache the Defendant by Body, Lands and Goods; And in case his Body be attached, and it doth not appear that he hath Lands and Goods sufficient to answer the Plaintiffs Demand, his Body shall be kept in safe custody until he hath paid the Costs and Forfeitures, and given good Security (to be taken in the name of the Plaintiff, and approved by the Sheriff or such party as doth attache him) to appear upon the return of the Proces and Answer, and not depart without leave of the Court.

SECT. 10.

That any Justice of Peace or a Master of the Chancery in ordinary, may take an Answer upon oath, signed with the Defendants hand or mark, and shall deliver the same himself, or transmit the same, close sealed up, to the chief Clerk; and upon such Delivery made (or transmitting, with an Oath that it was not altered since

ſince it was ſo ſealed up) the ſame ſhall be received and filed by the ſaid chief Clerk, as if it had been ſworn in Court or returned by Commiſſion; And a Juſtice of Peace may alſo take an Affidavit, ſo as he put his Hand and Seal thereto, and name the place of his habitation; and the ſame may be made uſe of in any Court, as if the ſame had been ſworn before a Iudge of the ſame Court, but no raiſure or interlineation is to be made in any Affidavit whatſoever.

SECT. II.

That where the Plaintiff or Defendant do cauſe Anſwers, Pleas, Demurrers, Replications or Rejoinders to be Filed by the chief Clerk, they ſhall give to the adverſe Party, or leave with his Attorney for him a true Copy of the ſame, which he ſhall have without Fee.

SECT. 12.

That where any Defendant appears upon the return of Summons or Proces, if the Bill be not Filed, he ſhall have his full Coſts, to be taxed by the chief Clerk, without further Attendance then the next day at noon after the Return-day, and not to appear again upon Suit of the ſame Party before the Coſts paid, and upon new Summons.

SECT. 13.

That where any Defendant pleads or demurs, if it be in Term time, the ſame ſhall be determined within Fourteen days after the ſame is put in; if in Vacation time, either before or in the firſt week of the next Term; to which end the Iudges of the Court ſhall appoint certain times for the determining the ſame, not interrupting the courſe of Hearing other Cauſes, and ſhall upon the firſt Hearing of a Plea or Demurrer give their poſitive Order therein without a ſecond Hearing: And where any Plea or Demurrer is over-ruled, the Defendant ſhall pay Forty ſhillings for a Fine to the Commonwealth, beſides the Plaintiffs Coſts.

SECT. 14.

That when a ſufficient Anſwer is put in, the Plaintiff ſhall reply within Eight days; and if it be inſufficient, ſhall within Eight days put in Exceptions thereto, or enter it in the Regiſters Books for Hearing upon the Anſwer, otherwiſe the Cauſe to be diſmiſſed without any Motion, and the chief Clerk to tax full Coſts within the time aforeſaid, and no Diſmiſſion-Fee to be paid by the De-

Defendant in this Caſe or any other; but if the Plaintiff will in ſuch caſe pay full Coſts and Charges, he may exhibit a new Bill.

SECT. 15.

That References to particular Maſters in Chancery be forborn, and there ſhall be from henceforth but ſix Maſters of the Chancery in Ordinary, to be named by the Parliament, and eligible at the end of every third year, and to have by the year; whereof Three ſhall ſit daily at ſome certain publique place, ſo long as any thing depends in reference before them, and ſhall have a Regiſter to attend them; which three Maſters, or two of them at the leaſt, ſhall hear and report all things under their hands which come before them, always ending one Cauſe before they begin another.

SECT. 16.

That for the orderly hearing of Cauſes and Motions in Court, and References before Maſters of Chancery, the Regiſter ſhall keep two diſtinct Books, in one of which any Party who hath a Cauſe ready for Hearing ſhall enter the ſame; in the other of them, every perſon who hath any Reference to the Maſters of the Chancery, ſhall enter the ſame, the Regiſter always (in the margent) figuring the Books by numbers according to the time of their Entry, and the party entring every ſuch Cauſe or Reference, ſubſcribing his name: And there ſhall not hereafter be any Motions in Court for References of inſufficient Anſwers to Bills or Interrogatories, or touching Contempts, or for Scandal, or Impertinency in Bills or Anſwers; but any party deſiring a Reference in any ſuch caſe, may enter the ſame in the ſaid Book of References, to be heard before the Maſters.

SECT. 17.

That if the Judges or Maſters of Chancery ſhall hear any Cauſe, Motion or Reference, in any other order then as they are ſet down in the ſaid Regiſters Books, they ſhall forfeit Twenty pounds, one half to the Commonwealth, the other half to the Party whoſe Cauſe ſhould have been heard in due courſe; and the Regiſter to forfeit Five pounds (to be paid in Moyeties as aforeſaid) that ſhall alter the Number in the ſaid Book, except it be by conſent of Parties, or where neither Party doth attend, and then ſuch Cauſe to be put at the end of all the Cauſes then entred in the ſaid Books reſpectively.

SECT. 18.

That upon a ſecond inſufficient Anſwer, the party ſhall be committed & kept within the priſon, until he make a ſufficient Anſwer.

SECT.

SECT. 19.

That in case Exceptions be taken to a Report, requiring the Opinion of the Court, the same shall be entred in the Book for Motions, and the party excepting shall deposite Three pounds with the Register; And if the Court shall judge the Exceptions good, it shall be restored him, and the adverse party shall pay him Forty shillings costs: But if his Exceptions be adjudged frivolous, the Commonwealth shall have Twenty shillings of the Three pounds, and the adverse party the residue.

SECT. 20.

That after a Defendant hath once appeared, he shall perfect his Answer, Rejoyn, and joyn in Commission, and attend the Hearing upon notice to his Attorney or known Solicitor, without any more process, and the Plaintiff to do the like after he hath replied.

SECT. 21.

That in every Cause where Commissions are prayed to examine Witnesses, Duplicate Commissions shall issue at the request of the Defendant, to be executed in such counties as either party shall think fit, which may be executed in any place, and returnable within sixty days from the date; and at the return, publication to pass of course, and either party or his Attorney, to be at liberty to enter the same into the Registers Book of Hearing: And if no Commission issue, and Witnesses be examined in Court, the Cause shall be published within sixty days from the time of the Replication, and then to be entred with the Register as formerly: But where Commissions are to be executed beyond the Seas, the chief Clerk shall set down a time for return and publication, and either party may produce, or by Proces of Court inforce such Witnesses to testifie at the Hearing, as he could not produce within sixty days to be examined, so as notice be given in writing to the other party (before publication) of such Witnesses names, and places of abode, and to what points they are to be examined at the Hearing: And where the Court gives order to any to examine Parties or Witnesses, the same is to be done by vertue of that Order, without any Commission; And the charges of Commissions in such case are to be spared.

SECT. 22.

That where witnesses shall be examined to prove a Contempt, the Party accused may likewise examine witnesses to clear the same.

SECT.

SECT. 23.

That Commiſſioners for Examination of Witneſſes ſhall take an Oath, before execution of any Commiſſion, to execute the ſame faithfully and impartially, which each Commiſſioner is impowered to adminiſter to the other; And the Clerks attending ſuch Commiſſioners ſhall take an Oath (which is to be adminiſtred by the Commiſſioners) to write down the Depoſitions of the Witneſſes, truly and indifferently without partiality: And every Witneſs ſhall be ſworn and examined, and his Depoſition put in writing in preſence of the Commiſſioners, and not elſwhere.

SECT. 24.

That after publication, either party may view the Depoſitions of either ſide, and not be obliged to take copies of any more then he ſhall conceive material, ſo as he take not the part of a Depoſition to one Interrogatory; And Plaintiffs and Defendants may (if they agree) take but one copy of all or any part of the Depoſitions, and make uſe of the ſame.

SECT. 25.

That no ſtay ſhall be made of any Proceedings at the Common Law, upon a Bill of Exchange between Merchants, nor of Execution upon a Judgement at Law, upon a Bill exhibited after the ſaid Judgement, without a Defeazance in writing of ſuch Judgement, until the final Hearing of the Cauſe.

SECT. 26.

That no ſtay of any Prooceedings at Law ſhall be, but upon Equity confeſs'd in the Parties Anſwer who is ſtayed, or where the Party ſtayed is in contempt for not anſwering, or not ſufficiently anſwering to ſome material Charge; And in ſuch caſes the ſtay to be void upon clearing the contempt or ſufficiently anſwering, without any further Order.

SECT. 27.

That where any Cauſe comes to Hearing, the Judges ſhall determine the ſame without delay or any ſecond Hearing; but if both Parties conſent, the Cauſe may be put the laſt in the Regiſters Book of Hearings; or where the Parties conſent to a Reference, the Court may refer it.

Provided,

Provided, That no Judge before full Hearing doth move either Party to conſent in either of the ſaid caſes; and where any Reference ſhall be made by conſent of Parties, they ſhall not have power to countermand it, and an Award or Arbitrament made thereupon ſhall be final, as if the Reference were made by order of Court, and ſhall be ſufficient ground for a Decree: And the Judges ſhall ſit conſtantly, as well in Vacation as Term, until all Cauſes and Motions in the Regiſters Books be heard and determined; and they ſhall in all caſes pronounce their Decree preſently in Court at the Hearing, ſave in caſes of very great difficulty, and there not to exceed Ten days, and not to hear Councel a ſecond time in the ſaid Cauſe.

SECT. 28.

That the Regiſter ſhall not execute his Office by deputy (except in caſe of Sickneſs) and then the Court to appoint one, and ſhall in his Draught of Orders ſhortly expreſs the ſenſe of the Court (as Rules in the Courts of Common Law) without any unneceſſary Preambles: And if the Regiſter draw up any Order contrary to, or not agreeing with the Order pronounced in Court, he ſhall anſwer the Party grieved thereby his full coſts and damages, to be given him by the Court, or to be recovered by Action upon the Caſe at his Election.

SECT. 29.

That the Regiſter ſhall upon every Decree pronounced in Court, enter the very words of the Decree in his Book, without any Interlineation, and publiquely read the ſame in Court, at that ſitting of the Court to be there allowed: And the Judges ſhall ſign all Decrees publiquely in Court, at certain times to be appointed for that purpoſe, which Decrees are to be drawn up forthwith after the Decree pronounced: And that from and after

no Suit ſhall be admitted in any Court of Equity, for obtaining any Decree for any Manors, Lands, Tenements or Hereditaments, upon any pretence of Truſt or Agreement whatſoever, which ſhall not appear in writing under the hand of the party who ought to perform the ſame, or by ſome Deed or Will in writing.

SECT. 30.

That in all caſes where a Plaintiff is diſmiſt, the Defendant ſhall have full Coſts; and where the Plaintiff hath juſt cauſe of relief, the Plaintiff ſhall have full Coſts, ſaving in caſe where he might have had the like benefit without Suit: And there he ſhall

have no Coſts, but pay the adverſe party full Coſts, and a Fine of Forty ſhillings to the Commonwealth, ſaving alſo where the Defendant by anſwer ſubmits to the judgement of the Court, and claims nothing to his own uſe, in which caſe he ſhall pay neither Coſts nor Fine, but the Plaintiff to pay him Coſts if the Court finde cauſe; and where the Plaintiff is relieved for part and diſmiſſed for part, either party to pay coſts to the other: And if a Plaintiff be relieved againſt one or more Defendants, and not againſt others, ſuch others ſhall have their full Coſts: And where any is to pay Coſts and is not able, ſuch party ſhall be ſent to the Work-houſe to work, during the pleaſure of the Court (one half of the benefit of his work to go towards payment of Coſts) or be whipt, or both, at the diſcretion of the Court: And no perſon is to be admitted to ſue as a poor man, unleſs he bring a Certificate from ſome Juſtice of Peace, Councellor or Serjeant at Law, or Judge of the county Judicature, of his poverty, and the juſtice of his caſe.

SECT. 31.

That in all caſes where a Plaintiff is diſmiſſed, he ſhall pay a Fine to the Commonwealth of Twenty ſhillings: And if the Plaintiff hath a Decree againſt any Defendant, ſuch Defendant ſhall pay a like Fine to the Commonwealth, where he pays Coſts to the adverſe party: And a Defendant for every inſufficient anſwer (after the firſt) ſhall pay a like Fine to the Commonwealth, and a Plaintiff a like Fine for frivolous Exceptions: And every perſon judged in contempt, or that ſhall unneceſſarily trouble the Maſters of the Court, by entring a Reference before them in the Book, ſhall pay a like Fine to the Commonwealth.

SECT. 32.

That the ſhewing a Decretal or other Order of the Court under the Regiſters hand, to the party who is to obſerve the ſame, and leaving a Copy thereof with him, or leaving the ſame at his dwelling with ſome perſon there (if any be to be found) or otherwiſe at the door of the houſe, ſhall be a ſufficient ſervice; and the party ſhall be in contempt, if he yield not obedience thereunto within Eight days, and thereupon Proces may and ſhall iſſue to Attache his Body; and if the Order be to pay money, then alſo to levy the ſame of his Goods and Chattels, Lands and Tenements, as upon a Judgement at Common Law: And the Sheriff and Coroner in execution of their Offices, upon Proces forth of Chancery ſhall have the ſame power as in execution of Proces at Common Law, and levy their own Fee, beſides the money for the party or Commonwealth, and behave themſelves as in caſes of other Executions:

And

And all Proces of Summons under a penalty, and the course of Arresting, by any other Writ of Attachment then is by this Act appointed. Attachment with Proclamation, Commission of Rebellion, Messenger and Serjeant at Arms (as to the execution of any Proces of the said Court) shall be henceforth forborn; and Writs of Executions, of Orders and Decrees, and Injunctions under Seal, to be no more used.

SECT. 33.

That where any man is attached for breach of a Decree, he shall not be set at Liberty but by special Order of the Court: And in all such Proces of Attachment it shall be mentioned, that it is for breach of a Decree.

SECT. 34.

That there shall be no more Money ordered to be paid into the Court, unless by consent of both parties, and no Fee shall be paid for paying out the money already in Court: And the party who ought to have damages for detaining any money which is brought into Court, shall have it during the time the Money remains in Court, to be paid by such as were the cause of bringing it into Court.

SECT. 35.

That where any party may now take forth a *Subpena* of course to bring in a Deed, the Register shall grant an Order of course under his hand, and like Order where the Court directs it, and the *Subpena duxens tecum* to be forborn; and the Register shall take for such Order and entring it, Twelve pence and no more.

SECT. 36.

That the time of Redemption of Lands Mortgaged before, or at the passing of this Law (where no Suit is depending for the same) shall not exceed two years from the passing of this Act: And the time of Redemption upon any Mortgage after to be made, shall not exceed one year from the Entry of the Mortgagee, after the condition broken; and from the time of Entry, within the year, and until Redemption the Mortgagee shall receive double Damages if it be redeemed, unless where an Infant is the Heir of a Mortgager, and to redeem; who shall have two years and not above, from the time of the Entry of the Mortgagee, after the condition broken, paying single Damages; And that in all cases where the Mortgagee dies, leaving an Heir within age, and the Mortgage re-

redeemable, ſuch Heir, upon ſatisfaction of coſts and damages, may joyn with his Guardian to make Reconveyance of the Land mortgaged, and the ſame ſhall be good againſt ſuch Infant, and all claiming under him.

SECT. 37.

That from the time of Hearing, in Suits now depending in Courts of Equity upon Mortgages, there ſhall not be in any caſe above Six moneths allowed for time of Redemption, from the hearing of the Cauſe, and there ſhall be no ſtop of any legal Proceedings upon any Mortgage, unleſs Equity be confeſſed in the Defendants Anſwer, or adjudged by the Court upon the Hearing of the Cauſe.

SECT. 38.

That a Mortgagee entring, and a Mortgager redeeming Lands mortgaged, the Mortgagee ſhall not be reſponſable for more then the Profits he hath clearly made of the Lands, while he had the ſame in mortgage, deducting his neceſſary Charges, which ſhall be determined by the Oath of the Mortgagee, his Heirs or Aſſigns, and no other proof ſhall be required or admitted.

SECT. 39.

That the form of the Oath ſhall be, *That neither the Mortgagee, nor any other deriving Title under him to his uſe, hath made other or more Profits of the Lands then are given in upon ſuch Oath, as far as he knoweth, believeth, or can poſſibly diſcover; and that there hath not been any Fraud or wilful Neglect, ſo far as he knoweth or believeth, in the Management thereof, whereby the beſt profit was not made to his uſe, of the Lands or Tenements mortgaged.*

SECT. 40.

That in caſe where a Court of Equity relieveth againſt a Penalty or Forfeiture at Common Law, the party relieved ſhall pay the adverſe party double Damages, unleſs in caſe of Infancy, or where it ſhall appear by proof, that the default was not by or through his careleſneſs or negligence: And the ſurpluſage of Mortgage-Money, upon an Eſtate mortgaged in Fee-ſimple forfeited, and redeemed, ſhall go to the Heir after the Mortgagees Debts paid, and his Will performed (if he made any) if not, then the ſurpluſage of the Money, after payment of Debts, ſhall go to the yonger childe or children of the Mortgager unprovided for.

AND

AND be it laſtly Enacted, That a Table of Fees ſhall be hung up in the Court of Chancery for Cauſes in Equity: And no Serjeant or Councellor at Law, Officer, Miniſter or Clerk of the ſaid Court, ſhall take any other Fee or Sum of Money, for or in reſpect of any Cauſe there depending, or Copy of any Record or other thing there filed and regiſtred, or put to the Seal, upon pain to be puniſhed as an Extortioner, and diſabled to bear any Office of Truſt or Profit in the Commonwealth, unleſs the ſame ſhall be allowed by Parliament:

Which Table of Fees ſhall be as followeth;

	l.	*s.*	*d.*
TO Serjeants and Barriſters at Law upon a Motion, Reference, giving Advice, or Signing Bills or Pleadings,	0	10	0
For a Hearing or arguing a Plea or Demurrer,	1	0	0
To the Maſters of the Chancery for Examining every Skin of an Exemplification of a Record,	0	2	0
For taking the Acknowledgement of a Deed or Recognizance to be inrolled,	0	0	6
To the chief Clerk for writing the Summons and Filing upon the return, beſides the Seal,	0	1	0
The like Fee for a Summons to teſtifie.			
For the Seal of that and every other Proces, to the uſe of the Commonwealth,	0	0	6
For adminiſtring any Oath,	0	0	4
For Proces of Attachement by Body, Lands and Goods, or any of them, and Filing upon return, beſides the Seal,	0	1	0
To the Attorney for the Plaintiff, for Filing the Bill the firſt Term,	0	3	4
The like to the Defendants Attorney for putting in the Anſwer.			
To the Attorney of either party in the Term, when iſſue is joyned,	0	3	4
To the Attorney of either party at the Hearing,	0	3	4
To the Clerk that Ingroſſeth a Commiſſion to examine Witneſſes,	0	2	0
To the Examiner for the Examination of a Witneſs, or upon Contempt,	0	2	6
To the Clerk for Writing and Ingroſſing Depoſitions upon a Commiſsion, for every twelve lines containing ten words in a line,	0	0	3

To all the Officers of the Court reſpectively, where they are required to ſubſcribe their Names to any thing

in

in Court, ready written by way of Certificate, Four pence (if it exceed not twelve lines with ten words in a line) if it exceed twelve lines, and under twenty four, Eight pence; if above twenty four lines, twelve pence.

For the Filing an Affidavit, one peny; and for Copies for every twelve lines with ten words in a line, two pence.

To the Regiſter for Drawing and Entring every Order, not exceeding twelve lines with ten words in a line, twelve pence; and for every twelve lines above the firſt, ſix pence; and for Copies of Orders, for every twelve lines, two pence.

For drawing Decrees and Diſmiſſions, to the Attorney for every twelve lines with ten words in a line, three pence; for Inrolment, two pence; for an Exemplification, three pence for every twelve lines with ten words in a line.

	l.	*s.*	*d.*
For a Search and reading any Order or Record in Chancery	0	1	0

To the Cryer and Door-keeper, to each of them upon the final Hearing of every Cauſe, from the party that hath the Decree, or for whom Diſmiſion is pronounced, twelve pence.

For the Copy of any Record in Chancery, or other thing there Filed, not before particularly expreſſed, two pence for every twelve lines with ten words in a line, the party taking what part he pleaſeth.

For writing any thing to the Seal, not before mentioned, for every twelve lines with ten words in a line, three pence; and to the Commonwealth for the whole Great Seal, the ſame Fees that have been accuſtomed.

For every Anſwer in writing to a Petition	0	2	6

Touching the Common Law and County Judicatures.

FOr the preventing unneceſſary charge and delay in recovering of Rights by the courſe of the Common Law, Be it Enacted by the Authority of this preſent Parliament, That there ſhall be ſix Judges for the Court of Upper-Bench, and ſix for the Court of Common-Pleas at *Weſtminſter*; and that all Common-Pleas between Party and Party which ſhall be commenced at *Weſtminſter*, ſhall from and after be commenced in the Court of Common-Pleas, and not elſwhere: And all Barriſters at Law, as well as Serjeants at Law, may plead there, and all Attorneys (to be allowed as hereafter is by this Act appointed) may practice at their Election in any Court.

SECT.

SECT. 2.

That in every county of *England* (except *London* and *Middlesex*) there shall be a Court of Record, called *The County Judicature*, which shall have power to hear and determine all Matters, which Justices of Peace, Justices of *Oyer* and *Terminer*, or Iustices of Goal-Delivery, may hear and determine: And also to hear all Causes tryable in the county, and to hear and determine all personal and mixt Actions there commenced; and shall have like Power to all intents and purposes within the said county, for the Administration and Execution of Iustice in Capital and Criminal Causes, and upon penal Statutes, and in all personal and mixt Actions commenced in the said Court, if the cause of Action ariseth within the said county, or for any thing lying within the said county; or in Transitory Actions which concern not Title of Land, where the Defendant lives there, as the Iustices of the Upper-Bench and Common-Pleas have in their respective Courts.

SECT. 3.

That the said Iudicature shall consist of five Iudges, besides one of the Iudges of the Courts at *Westminster* (six in all) which five Iudges shall be chosen in maner following (that is to say) The Iustices of Peace at their second General Sessions of the Peace, next after the passing of this Act, shall choose ten of the most honest, understanding and able men inhabiting within the said county, of which (two at the least) to be Councellors at Law, and present their Names to the Councel of State, who shall out of them choose five (and one of those five at least to be a Councellor at Law) who shall be Iudges of the said Iudicature, for three years thence next ensuing; which new election shall be by the Iustices of the Peace at the General Sessions next after the Twenty fifth day of *March*, after three years, and by the Councel of State in maner before expressed, and to have continuance for three years, and like successive new Elections for ever: And where any of the said five Judges dye, or shall be removed within the said three years, the Councel of State is to put in one into the place of such Judge, out of the Names formerly presented, to continue till the new General Election.

SECT. 4.

That the Judges of the said Judicature, or any two or more of them, with the chief Clerk of the said Court (hereafter appointed) or any three or more of them without him, may and shall all times

of

of the year (except days by Law prohibited) hold the ſaid Court for awarding and returning Proces, and preparing Cauſes for Hearing or Tryal, and may adjourn the Court to ſuch time and place within the ſaid county as they ſhall think fit, not exceeding one week at a time: And the ſaid Iudges, or any three or more of them (whereof a Iudge of one of the ſaid Courts at *Weſtminſter*, or a Councellor at Law to be one) may award Iudgement by Default, Writs of Enquiry of Damages, or Iudgement and Execution upon defaults as ſhall be juſt; and may alſo ſummon Iurors, and hear and determine all perſonal Actions, or Actions for Poſſeſſions where no Title comes in queſtion; and all matters which Iuſtices of Peace may now do, in General or Quarter Seſſions of the Peace; and may ſummon Iuries for taking all Inquiſitions, which are to be taken before the Sheriff of the county, and with the Sheriff to take Inquiſitions accordingly, and to do all things which are to be done at the county Court: And the ſaid Iudges, or any three of them (whereof a Iudge of one of the ſaid Courts at *Weſtminſter* to be one) may award Proces to ſummon Iurors, and may proceed to hear and determine all Matters which Iuſtices of Goal-Delivery or *Oyer* and *Terminer* may do; And may alſo hear and determine all cauſes commenced in the ſaid Iudicature, and try by Iury all cauſes whatſoever triable within the ſaid county, and ſhall be called the General Seſſion, where the Sheriffs, and all Iuſtices of Peace, Coroners and High-Conſtables ſhall give their attendance: And the want of Adjournment or not coming of the Iudges, ſhall not diſcontinue any Suit there commenced, or hinder the Iudges from meeting at any other time.

Sect. 5.

That any perſon having Iudgement for Debt or Damages in any county Iudicature, ſhall upon Requeſt to the chief Clerk have a certificate under the Seal of the Court, to the Court of Common Pleas, mentioning what ſum is truly due to the party; which the chief Clerk of the Court of Common Pleas (hereafter appointed) ſhall enter upon Record, and thereupon award Execution of courſe into any county of *England*, until the ſum certified be levied, as if it were a Iudgement in the ſame Court; which certificate ſhall be thus,

Theſe are to certifie unto the Iudges of the Court of Common Pleas, That A. B. *hath recovered in the Court of this Iudicature againſt* C. D. *of* F. *Yeoman, the ſum of which remains unpaid (or whereof remains unpaid) Given under the Seal of the Iudicature of the day of*

And

And after ſuch Certificate made, there ſhall be no further Execution in the ſaid County Judicature: and if Execution cannot be done in criminal Cauſes upon Judgements in County Judicatures within the ſaid county, the ſame are to be certified into the Court of Upper-Bench, and Execution to be awarded thence, as upon Judgements in the ſame Court.

SECT. 6.

That four times in the year ſhall be appointed by three or more of the ſaid Judges (whereof a Judge of one of the ſaid Courts at *Weſtminſter* to be one) for holding the ſaid General Seſsion; at which time a Judge of one of the ſaid Courts at *Weſtminſter* ſhall be preſent, who ſhall be thereto appointed by the Commiſsioners of the Great Seal of *England* for the time being, taking three out of each Court at *Weſtminſter*, who ſhall be diſtributed according to the Six Circuits now in *England*, as by the ſaid Commiſſioners of the Great Seal ſhall be appointed, and ſhall not depart until the Buſineſs of the ſaid General Seſsions be determined; and thoſe which ride one Circuit ſhall be ſpared the next, and attend the Buſineſs of the ſaid Court at *Weſtminſter*, unleſs it be by his own conſent, and by order from the Commiſsioners of the Great Seal.

SECT. 7.

That the chief Prothonotory for the Court of Common-Pleas, and the Clerk of the Peace in every reſpective county of *England* for the time being for every County Judicature, ſhall be chief Clerk of the ſaid reſpective Courts, and ſhall continue in the ſaid places until others be elected, in ſuch ſort as the Parliament ſhall direct; which chief Clerks ſhall have ſuch and ſo many able Clerks under them, as the Judge or Judges of ſuch Courts ſhall think fit and neceſſary for making out, and ſealing all the Proces of the ſaid Court, entring the Rules, keeping Records, and entring Judgements; All which Proces ſhall be with true dates, and a ſhort Entry thereof made in a Book, to be kept by the ſaid chief Clerks for that purpoſe: And out of the Fees payable to the chief Clerk, the ſaid Judges (three or more of them) in their reſpective Courts, ſhall appoint how much the Under-clerks ſhall have for their pains: And the ſaid Court of Common-Pleas ſhall be open all times in the year for awarding and returning Proces; and the ſaid chief Clerk and Under-clerks ſhall take an Oath in Court to deal faithfully and uncorruptly in their places: And upon the Death or Removal of the chief Clerk, the firſt Under-clerk ſhall ſucceed, unleſs the Court aſsign juſt cauſe to diſable him, and in ſuch caſe the next able Clerk in order ſhall be chief Clerk: And the Records

of the ſeveral counties in *England*, now in the hands of the Keepers of ſuch Records, ſhall be removed and kept by ſuch perſon as ſhall be appointed by the Court of the County Judicature in the reſpective counties (except the city of *London* and county of *Middleſex:*) And the Office of Keeper of the ſaid Records in the ſaid reſpective counties ſhall hereafter ceaſe.

SECT. 8.

That the Judges of the Court of Common-Pleas, or any three or more of them for the county of *Middleſex*, and the Judges of the reſpective Courts of County Judicatures, within their reſpective Juriſdictions, or any three or more of them (whereof one to be a Judge or Councellor at Law) ſhall hear and determine all controverſies concerning Marriages, and all things depending upon the ſame, and concerning Maintenance demanded by a Married Woman (called *Allimony*) in a ſummary way by Petition, which ſhall be Filed with the chief Clerk: And all queſtions whether a Marriage be good or not, or whether *Allimony* ought to be granted, or how much or any matter of Fact in order to the determining the ſaid queſtions, ſhall be tryed by a Jury upon ſuch iſſue as the Court ſhall direct; But the Allowance of *Allimony* ſhall not exceed a Fifth part of the Husbands eſtate: and if any Woman ſhall complain for *Allimony*, and it ſhall be found by a Jury that ſhe hath no ſuch cauſe of complaint, if ſhe ſhall not thereupon ſubmit her ſelf to her Husband and deſire his pardon, and cohabit with him, ſhe ſhall be ſent to the Work-houſe, to be kept at work until ſhe conform.

SECT. 9.

That where a Guardian is not appointed by the parent of a childe, within the age of Twenty one years, to whom he leaveth an Eſtate, the ſaid Judges, three or more of them as aforeſaid, within the ſaid reſpective Juriſdictions, ſhall and may appoint a Guardian, and change him as there ſhall be cauſe; and ſhall take order for the pious and vertuous Education of every ſuch childe, and endeavor to prevent their Marriages without their Guardians conſent, or to their diſparagement, before they attain their ſaid age of Twenty one years, and to preſerve their Eſtates from ſpoil and deſtruction; and ſhall have power to call ſuch Guardians to accompt, and give them reaſonable Allowance for their pains and charges, and inforce them to make ſpeedy ſatisfaction to every ſuch childe of what is juſtly due from them, and may puniſh ſuch Guardians or others by Impriſonment and Fine, to the uſe of the County Stock, if they contrive or abet the Marriage of any ſuch childe

childe without conſent of the ſaid Judges: And they ſhall have the like power touching Lunaticks and Ideots, as of children under the age of Twenty one years; and to hear and determine all Matters of Charitable uſes, as fully as Commiſſioners under the Great Seal, upon the Statute for Charitable uſes.

SECT. 10.

That the Court of the Lord Major and Aldermen of the City of *London*, within the Liberties thereof, ſhall have like power touching Charitable uſes, Marriages, Allimony, Proviſion for Children within age, Lunaticks and Ideots, as the ſaid Judges of the Court of Common-Pleas within the County of *Middleſex*, not altering the Cuſtom concerning the Orphans of Freemen of the ſaid City.

SECT. 11.

That the chief Clerk in each reſpective Court ſhall provide and keep a Seal for ſuch Court, having the Arms of the Commonwealth of *England* engraven thereupon, and incirculed with the name of the Court to which it belongeth, under which all the Proces thereof ſhall iſſue.

SECT. 12.

That the firſt Proces in all Common-Pleas between party and party, and in Informations upon penal Statutes, ſhall be a Writ of Summons, which ſhall be directed to the party ſummoned; and in all perſonal Actions, ſhall be thus:

The Keepers of the Liberties of England *by Authority of Parliament, To* A. B. *of* C. *in the County of* D. *Theſe are to command you to pay unto* E. F. *of* G. *which he claimeth to be due from you to him, or at the firſt ſitting of the Juſtices in the Court of next after Fifteen days from your notice hereof, you are to appear either in perſon or by Attorney, and anſwer to his Complaint hereunto annexed. Given under the Seal of the Court of the day of in the year*

And the name of the Clerk that made it, and the true party that ſued it forth, or his Attorney, ſhall be underwritten. And in Real and Mixt Actions, the Summons ſhall be to require him, *To render the thing in Demand, and to pay Damages where Damages are to be recovered, or to appear and ſhew cauſe at the Court*, as aforeſaid.

SECT. 13.

That the length of Declarations ſhall be forborn, and nothing

immaterial inſerted, but briefly the ſubſtance of the Complaint, according to the Forms ſet down at the end of this Act, which ſhall be Preſidents for brevity and ſufficient certainty in all Caſes; And no Evidence ſhall be admitted in any Caſe whatſoever to vary from the time laid in the Declaration above Thirty days.

SECT. 14.

That the Plaintiff in any Summons may inſert the Names of all the Defendants to his Action; but no Blank is to be left in this or any other Writ.

SECT. 15.

That the Plaintiff, or ſuch as he ſhall appoint, may ſerve the ſaid Writ of Summons, by leaving a Copy of the Writ, and of his Declaration, ſigned with his own hand or his Attorneys, with every Defendant, or at his laſt habitation, and ſhewing the Writ it ſelf (if it be required;) And the party ſerving it, ſhall fix the Writ and Declaration under the Attorneys hand together, and endorſe upon the ſaid Writ the time and manet of ſerving it, and make Oath thereof in Court, or before any Judge of the Court, or Juſtice of Peace, which Judge or Juſtice ſhall ſubſcribe his name; and then the Writ with the Declaration ſhall be Returned to the chief Clerk of that Court, and ſhall be by him Filed.

SECT. 16.

That if the Defendant Apppear in perſon or by Attorney, upon the Return of the Writ of Summons, and the Declaration be not Filed as aforeſaid, he ſhall have his full Coſts, to be forthwith taxed by the chief Clerk: But if it be ſerved, and Summons Returned and Filed as aforeſaid, and the Defendant doth not appear at the time limited, then ſhall iſſue to the Sheriff of that County (where the firſt Summons was ſerved) a ſecond Proces to Attache the Defendants, or any of them, by Body, Lands and Goods, to enforce an Appearance at a certain Day to be appointed by the Plaintiff, who may alſo renew the ſame as oft as he ſhall ſee cauſe; and all Proces returnable at a Day certain, ſhall be expreſſed by the certain Day of the Moneth.

SECT. 17.

That upon a Suit commenced in the Court of Common-Pleas, If the Sheriff ſhall Return that the Defendant is not to be found, nor hath any Goods or Chattels, Lands or Tenements, then a like Proces ſhall be awarded generally to all the Sheriffs of *England*, and ſuch other perſons as the Plaintiff will name, until he can be Attached by Body, Lands or Goods, to bring him in to anſwer.

SECT.

Sect. 18.

That if the party to be Attached, or his lawful Attorney, doth offer an Appearance before the Return of the Writ, and expreſs the ſame under his hand on the back of the Writ; the Sheriff ſhall make Return thereof, and the Attachment ſhall be diſcharged, unleſs the Plaintiff will come before the Sheriff and make Oath, That his demand from the Defendant is really due, and that he believeth the Defendant will make away his Goods: In which caſe, the Sheriff ſhall take ſecurity from the Plaintiff to anſwer the Defendant Coſts and Damages, if his demands ſhall not appear to be really due; and thereupon, if the Defendant ſhall not give good ſecurity to the Sheriff to pay the condemnation, or to anſwer the value of the Goods Attached, if Judgement paſs againſt him; Then the Sheriff ſhall inventory, appraiſe, and ſecure the ſaid Goods for the Plaintiffs ſatisfaction, if he Recover.

Sect. 19.

That the Iſſues to be returned, forfeited by a Defendant, upon an Attachment, by his Lands or Goods, for default of Appearance, ſhall not exceed Forty ſhillings; whereof one half ſhall be to the Plaintiff, the other to the Commonwealth.

Sect. 20.

That the Sheriff making Return upon the Attachment, That he hath attached the Defendant by Body, Lands or Goods, or returning an offer of Appearance on the back of the Writ, under the hand of the Defendant, or of his Attorney; if he ſhall not appear in perſon, or by Attorney, on the day ſo limited, the Court ſhall award a Recovery for the Plaintiff, as upon default after Appearance in any perſonal Action, and thereupon a Writ of Inquiry of Damages ſhall iſſue; and all Writs of Inquiry of Damages, except in *London* and *Middleſex*, ſhall be executed by the Sheriff in the County Judicature; and where the Defendant appears by an Attorney, notice ſhall be given to the Attorney, ten days at leaſt before the Writ of Inquiry be executed, of the execution thereof; And where there is no Attorney, the Sheriff ſhall cauſe the time of execution of every Writ of Inquiry to be affixed to ſome publique place of the County Judicature, ten days at leaſt before execution thereof: And if the Plaintiff or Sheriff be in default for not executing the ſame at the time ſo appointed, the adverſe party ſhall have his full Coſts for attendance from the party in default, to be forthwith taxed by the chief Clerk of the ſaid Court whence

the

the Writ iſſued; and the Sheriff ſhall take and Return the Inquiſition to the Court to be Filed by the chief Clerk, who ſhall thereupon immediately award Execution, without any ſtay made by the Court in any caſe, or for any time whatſoever.

SECT. 21.

That where any party Demurreth, he ſhall (at once) ſet down all the cauſes of his Demurrer certainly and particularly; and where there is a joyning in Demurrer, the Court ſhall give Judgement onely upon ſuch particular Cauſes, and no other.

SECT. 22.

That after a Demurrer, the adverſe Party ſhall have time, not exceeding four days, to amend the Defect, paying Ten ſhillings for Coſts, and ſuch amendment to be final to him.

SECT. 23.

That no Demurrer ſhall be made for want of giving Colour in Pleading, which Colour is hereby utterly taken away, nor for want of a new Aſſignment in an Action of Treſpaſs, but the Plaintiff ſhall ſpecifie the place in his Declaration; and the common Bar, as to the enforcing of a new Aſſignment in pleading, is hereby alſo utterly taken away.

SECT. 24.

That the time for a Defendant to Plead or Demur, ſhall not exceed two days after the time aſſigned for his Appearance; which Appearance ſhall be either by the Defendant himſelf, or his Attorney, repairing to the chief Clerk of the Court, and writing his name under the Declaration, and the day thereof; if he will plead the General Iſſue, he ſhall write or cauſe to be written under the Declaration, *That the Plaintiff hath no ſuch cauſe of Complaint as in the Declaration is alledged*; which Words are hereby Declared to be the General Iſſue in all Actions: And for want of ſuch Plea or Demurrer within the time, the chief Clerk ſhall award Judgement, and a Writ of Enquiry of Damages.

SECT. 25.

That where there ſhall be any ſpecial Pleadings, the Copies ſhall be given to the adverſe Party without Fee, and the Pleadings Filed with the chief Clerk: And where a Defendant pleads the General Iſſue, he ſhall alſo ſet down the ſubſtance of what things he

he will inſiſt upon for his Defence, in Evidence at the Tryal, not exceeding two things at the moſt, which he is hereby enabled to give in Evidence, and alſo put the Plaintiff to the proof of his Declaration: But this Law is not to reſtrain or prejudice any perſons who might have pleaded the General Iſſue, before that Act of this preſent Parliament, Entituled, *An Act touching Corn and Meal.*

SECT. 26.

That in all caſes where a Plaintiff, be he Executor, Adminiſtrator or other, doth not proſecute, diſcontinues his Suit, or becomes non-ſuited, or that Judgement paſs againſt him, he ſhall pay full Coſts; and where he Recovers, he ſhall have full Coſts, except the Jury finde full ſatisfaction, with Coſts of Suit tendred by the Defendant before his Plea; for in ſuch caſe the Plaintiff refuſing ſuch Tender, or proceeding after it, ſhall both loſe his own Coſts and pay full Coſts to the Defendant, but ſuch Tender ſhall be no Bar to the Action: And if a Plaintiff put ſeveral diſtinct things into a Declaration, and doth not prove all of them, as he ſhall have coſts for what appears material, ſo he ſhall pay coſts for what ſhall be adjudged cauſleſs; and ſhall not be neceſſitated to put the words of *Force and Arms* into his Declaration upon an Action of Treſpaſs, but where ſome Weapon was uſed: And if he do complain of ſeveral perſons, and fail in his Proof againſt any, he ſhall pay coſts to ſuch Defendants as are acquitted, the Iury to aſſeſs the coſts in all caſes tryed, and the chief Clerk in other caſes; and that in all caſes where the Plaintiff is non-ſuited or diſcontinues his Suit, or Judgement goeth againſt him, there ſhall be a Fine of Ten ſhillings paid by him to the chief Clerk, to the uſe of the Commonwealth; and where Iudgement is given againſt a Defendant, he ſhall pay like Fine: And in caſe either party be poor and cannot pay coſts or fine, ſuch party ſhall be whipt, or go to the Work-houſe (hereafter in this Act appointed) or both, at the diſcretion of the Court, and for ſuch time as they ſhall direct: And in all Caſes and Courts where coſts are to be Taxed, it is to be underſtood as well the parties neceſſary charge for his own Attendance and Witneſſes, as the ordinary coſts of Suit: And if a Plaintiff (who is not admitted to ſue as a poor man) be adjudged to pay coſts in any Action, the ſame ſhall be paid by the Attorney in the Suit, if ſuch Plaintiff be not to be found within this Commonwealth; And that whereſoever a Fine certain is payable to the Commonwealth, or coſts payable to any party in any Court of Law or Equity, it ſhall not be in the power of the Court to remit or abate the ſame, or to delay the payment or levying thereof; and the perſons to whom they are due may levy the ſame by Execution, as upon other Executions within this Act.

Sect.

SECT. 27.

That where there is Proſecution in Civil Cauſes in the behalf of the Commonwealth, thoſe who proſecute, if they Recover, ſhall have Coſts, if not, they ſhall pay Coſts; and the party proſecuted before Plea pleaded may tender ſatisfaction, and have like benefit as upon a Tender at the Suit of a common perſon: And that upon the General Iſſue pleaded in any caſe, the Plaintiff ſhall within two days joyn Iſſue thereupon, or ſhall be non-ſuited; and if he plead ſpecially, the Plaintiff ſhall reply within Fifteen days, and the Defendant rejoyn within Eight days after Replication.

SECT. 28.

That after Iſſue joyned, at the requeſt either of Plaintiff or Defendant, the ſame ſhall be tryed that day Seven-night in the place where the ſame is tryable, if the Iuſtices ſhall be then and there ſitting; otherwiſe, at their next ſitting in ſuch place, after thoſe ſeven days: Except in caſes appointed for Tryals at the Bar at *Weſtminſter*, which are to be tryed upon a day certain to be appointed by the Court, and the Iurors are then to appear upon the firſt Summons.

SECT. 29.

That the Iudges, without conſent of both parties, ſhall in no caſe defer Tryals above the ſpace of Fifteen days, longer then the time hereby formerly limited for Tryal, and that onely for ſome juſt cauſe made to appear to the Court upon Oath: And upon payment of ſuch coſts to the adverſe party, as he ſhall make Oath he is or ſhall be put to by reaſon of ſuch delay, before any longer time be granted.

SECT. 30.

That for the better Tryal of Cauſes by Jurors (who are the Judges of Fact) the Juſtices of Peace at the General Seſſions to be holden next after the Thirtieth of *December* yearly, ſhall cauſe to be written in a Book the names of all ſuch perſons, inhabitants within the ſaid county, as ſhall be of honeſt Lives and Converſations, of good Underſtanding, able to read, being above the Age of Twenty five years, and under the Age of Sixty, and worth One thouſand Marks of clear Eſtate (other then Judges, practiſing Lawyers and Attorneys, preaching Miniſters, and deaf and impotent perſons) and ſhall deliver the ſame to the Sheriff of the ſaid county,

county, who ſhall return or impanel no other to ſerve upon any Grand or Petty-Jury (except Foreigners in the tryal of a Stranger as by law is now uſed:) And the Juſtices of Peace in every City and Town corporate, ſhall do the like in order to Tryals in ſuch places; and the Eſtate of Jurors there, ſhall be Three hundred pounds at leaſt.

SECT. 31.

That the way now uſed of ſummoning and return of Grand and Petty-Jurors, to ſerve at Aſſize, Seſſions, and upon Tryals, (other then at the Bar at *Weſtminſter*) ſhall be henceforth forborn and no more uſed; And in ſtead thereof, out of the ſaid Jury-Book, the Sheriff ſhall return ſuch number of Jurors, and at ſuch time and place, as any Court of Goal-Delivery, County Judicature, Seſſion, or Judge for Hearing, Determining or Tryal of Cauſes ſhall require, in one piece of Parchment: And that no Liſt or notice of Names of any Jurors returned or to be returned by the Sheriff, ſhall be given by him or his Officers to any perſon whatſoever, before the day of Appearance, ſave onely each Jurors name to the Juror himſelf ſo returned, who ſhall have one warning and no more, four days at leaſt before any Tryal (except in Tryals at the Bar at *Weſtmininſter*, where they ſhall have ten days notice, if they live within One hundred miles of *Weſtminſter*, and twenty days notice, if above One hundred miles;) And every Juror returned making default, or not attending to ſerve when he is called, ſhall forfeit Five pounds for every ſuch default to the county ſtock, other then upon Tryals at the Bar at *Weſtminſter*, and there to forfeit Ten pounds for every default; and the Commiſſioners upon Oath are to judge of defaults.

SECT. 32.

That the Names of Jurors returned (other then upon Tryals at the Bar at *Weſtminſter*) ſhall (by the chief Clerk or Regiſter) be written over in ſeveral pieces of Paper, and at the Courts appointment be put ſeverally into a Box; and where there is a Grand Jury, fifteen names; and for all other Juries, twelve names, ſhall be drawn out of the ſaid Box by way of lot, and not by choice, to ſerve on ſuch Juries, (ſaving all lawful challenges to the perſons, but no challenge to be hereafter allowed for want of Hundreders) and ſuch Jurors ſhall ſit covered in ſome convenient place of the Court, to hear their Evidence or Charge: and the names of the Petty-Jurors, after their Verdict given, ſhall be put again into the Box: But no Iuror ſhall be twice returned, until all in the Iury-Book have ſerved once, or be dead, or live out of the county, or have paid the Penalty upon Defaults.

SECT. 33.

That no Iuror ſhall take any thing from any party in any Tryal, except they be brought out of their own Counties, or appointed by the Court to take a view, and then alſo they ſhall have no Allowance, but by ſpecial Order of the Court.

SECT. 34.

That after General Verdicts in perſonal and mixt Actions, where no Bill of Exception is tendred, there ſhall be no Arreſt of Iudgement, nor any Writ of Error after Iudgement.

SECT. 35.

That in Special Verdicts, the material Points in queſtion, and thoſe onely ſhall be particularly expreſſed before the Iudges and Iury in Court, and the Caſe ſhortly drawn up on both ſides, without mentioning any thing immaterial; and if any Difference ariſe thereupon, it ſhall be ſtated by the Iudge or Iudges that hear the Tryal; and upon all ſo ſtated and entred, and upon no other matter, the Court in which the Cauſe depends ſhall give their Iudgement, which is to be done in theſe caſes and upon Demurrers, within one Fortnight at the utmoſt; and in caſe the Term ends within that fortnight, the Iudges ſhall proceed notwithſtanding after the Term, to determine the ſame within that time, which ſhall be accompted Term time for that purpoſe.

SECT. 36.

That no Argument by Councel ſhall be admitted upon Special Verdicts or Demurrers, touching the Expoſition of any Act of Parliament.

SECT. 37.

That upon Iſſue joyned in an Action of Debt upon a Specialty (or upon a Writ of Enquiry) the Iurors ſhall not be bound to finde the full Debt contained in the Specialty, but ſhall finde the true Debt and true Damages, and no more; And the Iurors ſhall in ſuch caſes give double Damages for the true Debt, from the time of the Action brought, and full coſts of Suit, and it ſhall not be Error if Iurors (in regard of the Plaintiffs Damage between the time of commencing the Suit and the Tryal) give more Damage (if they finde cauſe) then is laid in the Declaration: And if two or more perſons be bound as Sureties for another, and any of ſuch

Sureties

Sureties ſhall be enforced thereupon to pay the whole Debt, or more then their due proportion, he or they may by Action upon the Caſe, ſue and recover againſt the other Surety or Sureties, his or their valuable proportion, with coſts and damages, ſo that no one Surety may be damnified more then another, who is able to contribute: And all Suits to be commenced in Equity fot relief againſt Penalties of Bonds entred into before the day of or upon pretence of payment of part of the Money, or for contribution in caſe of Ioynt-ſuretyſhip; and the entring into all penal Bonds from and after the ſaid Day, are to be forborn and no more uſed: And the Plaintiff in any civil Action may require the Oath of the Defendant, or the Defendant the Oath of the Plaintiff, for the manifeſtation of the truth of the Matter in queſtion; who are hereby Enjoyned to anſwer to ſuch Queſtions thereabouts before the Iury, as the Iudge before whom the Cauſe is depending, or to be tryed, ſhall appoint; and if they be contemptuous, the Iudge may in ſuch caſe ſtay the Plaintiffs Suit, or impriſon the Defendants till they give obedience.

SECT. 38.

That if any Cauſe commenced in the Courts at *Weſtminſter*, be tryable in any county, (other then *London* or *Middleſex*) the chief Clerk of the Court at *Weſtminſter* ſhall deliver all the copies of Iſſues joyned for that county, to the Iudge appointed for that General Seſſion of the County Iudicature, who ſhall cauſe the ſame to be there tryed, and then without delay return the ſame to the ſaid chief Clerk from whom he received them, that Iudgement and Execution may thereupon proceed.

SECT. 39.

That the Officer to whom the Entry of Judgement belongs, ſhall (when he enters any Judgement upon the Roll) ſet down the true Date of ſuch Entry in the ſame Roll in words at length; and if there be a miſ-Entry of ſuch Judgement, the chief Clerk ſhall pay the Damage which is incurred by the miſ-Entry thereof, and the party wilfully miſ-dating the Entry of any ſuch Judgement (whereby any perſon is damnified) ſhall ſuffer corporal puniſhment by whipping, which is to be done publiquely at the next ſitting of the Court after conviction, and to be thereafter incapable of any Office of Truſt whatſoever.

SECT. 40.

That no man ſhall be lyable to any Action for any Debt contracted by his Wife during their Intermarriage, or by his childe or ſervant, without his ſpecial direction or expreſs conſent.

SECT. 41.

That in Actions of Accompt, if the Jury finde the Defendant accomptable, the Judge before whom the Cause is tryed, shall presently give Judgement to Accompt, and then (sitting the Court) the Jury shall assign five of themselves to be Auditors, to take the Accompt; and they or any three of them, shall chuse an able Accomptant, and swear him to deal faithfully in that Accompt, and shall and may Examine Parties and Witnesses, send for Books and Papers, and commit refractory persons to prison till they conform: And any three or more of them shall certifie under their Hands and Seals, the foot of such Accompt, and make Oath in Court or before some Iustice of Peace, That they believe the same to be true; upon which the Court shall give Iudgement forthwith in the Cause: And the Court to whom the Accompt shall be returned, shall have power to allow such reasonable Charges as they shall think fit, both to those that certifie the Accompt, and the Accomptant imployed therein; which Charges shall be payed by the Party adjudged to be in default.

SECT. 42.

That where upon any Trust any man is accomptable, there may be an Action of Accompt brought at Common Law; and where any Action of Accompt lyes in any Case at Common Law, it shall be tryed at Common Law and not elsewhere.

SECT. 43.

That an Action of Accompt shall lye against an Executor, and the Executor of an Executor and Administrator; and where an Executor dying Intestate, or an Administrator hath a Iudgement for Debt or Damage, and dieth before Execution, the person (to whom the Debt or Damage so recovered shall belong) may sue forth Execution upon the Iudgement: And that the Death of Plaintiff or Defendant after a Verdict or Demurrer joyned, shall not abate the Suit.

SECT. 44.

That one and the same kinde of Execution shall be had for Creditors against Debtors, upon Iudgements, Recognizances and all Statutes (that is to say) The whole Chattels, Debts, Lands and Tenements, Reversions and Remainders, and all Goods (except necessary wearing Apparel) as well such as he hath, or as any other

hath in truſt for ſuch Debtor, and Poſſeſſion ſhall be delivered upon the firſt Writ of Extent; and if thoſe will not ſuffice, the Creditor may take the Body of the Debtor in Execution, and require him to work in the Work-houſe, (hereafter in this Act appointed) half the Profit of which Work ſhall be for the benefit of the Creditor; but if ſuch Debtor be not able to work, the Creditor ſhall allow ſuch Debtor Six pence a day, during the time he holdeth his perſon in priſon; and Priſoners in Execution for Debt or Damages, are not to be ſuffered by the Jaylor to beg: And the Court or ſuch as they ſhall appoint, ſhall judge of the ability or diſability of ſuch perſon to work, and alſo direct the maner thereof: And that notwithſtanding the reſtraint of any perſon upon Execution, It ſhall be in the power of the Creditor to permit him to go abroad, for what time and in what maner he ſhall think fit; and that there ſhall be no Fee paid to the Keeper during ſuch Liberty, nor he to be reſponſable for him during that time; nor ſhall the ſame be any Diſcharge of the Debt or Suit, whereupon ſuch perſon was taken in Execution, and the Creditor may Arreſt him again, and remand him to the Work-houſe: But where any Debtors Body ſhall be kept in Execution in the Work-houſe by the ſpace of one year, (not being committed for any Contempt) if the Judges of the Court (whence Execution iſſued) ſhall (upon Examination) finde him miſerably poor, and unable to ſatisfie the Execution, they may give him Liberty of his perſon, and cauſe him to be reſtrained in Execution again in the Work-houſe as they ſhall finde juſt, but his Eſtate ſhall be ever liable till all Judgements be ſatisfied.

SECT. 45.

That in no near adjoyning to every common Goal, there ſhall be a Work-houſe erected; and to that end, the Grand Jury of every County at the ſecond General Seſſion after the paſſing this Act, ſhall preſent ſix honeſt, able and underſtanding perſons of the ſame County, out of which the Juſtices ſhall chooſe three, to continue for a whole Year, (and longer till new be elected) and to be Governors of the Work-houſe in that County; And the Clerk of the Peace ſhall give notice to thoſe perſons elected, to meet at ten of the clock at a certain Day within a Fortnight after their Election; And the firſt meeting ſhall be in the place where the Seſſion was held, and from thence to be adjourned as the Governors think meet; and for every default of Appearance, each perſon elected ſhall forfeit Twenty pounds, to be paid for the Work-houſe Stock to the Treaſurer of the County; and thoſe three ſhall lay a Tax on the County ſufficient to erect or provide a Work-houſe and Stock for it; and thoſe three and all ſucceeding Governors, may ſet down Orders in writing for the Government

of

of the Work-houſe; but ſuch Tax and Orders ſhall be conſidered, and if need be, amended by the Juſtices at the Seſſions from time to time, and be there confirmed; and the ſaid Tax to be levied by the Sheriff and High-Conſtables, by diſtreſs and ſale of Goods, as Money for the Relief of the Poor, and ſhall be paid to the Treaſurer of the County, and ſhall not be diſpoſed of, but by warrant from the Governors, or two of them: And for any Abuſe of the Governors or Officers, they may be proceeded againſt by Indictment, to be heard and determined in open Seſſions, and may be fined according to Juſtice, which Fines are to go to the Work-houſe Stock: And if any committed to the Work-houſe do eſcape, he ſhall be ſent to the Houſe of Correction, and there whipt, and then ſent back to the Work-houſe, there to remain at hard labor, till he be diſcharged by due courſe of Law; and all conſenting or aiding to ſuch eſcape, are to be ſent to the Houſe of Correction, and to be whipt; and the Jaylor, for the time being, ſhall have the Government of the Work-houſe under the Governors, and ſhall be reſponſable for the perſons therein, as part of the Goal or Priſon.

SECT. 46.

That any Debtor lying in Execution for Debt or Damages, by the ſpace of one Moneth or more, if the Creditor ſhall cauſe a Bonnet of Yellow Cloth to be ſent to ſuch Debtor, and require the ſame to be worn by ſuch Debtor, That then the Debtor ſhall from thenceforth, during the time he is to continue in Execution, wear the ſame for the uppermoſt covering of his Head; And if the ſaid Debtor ſhall be ſeen walking abroad without leave of the Creditor with any thing on his Head, without the ſaid Bonnet uppermoſt, and ſhall be thereof convicted, he ſhall have a collar of Iron rivited about his neck, in ſuch ſort as may be viſible, and not to be taken off during his Impriſonment.

SECT. 47.

That any party having Judgement to recover Debt, Damages or Coſts, may extend all the Lands and Tenements of the Debtor, or may, if he pleaſe, elect to have ſuch part of the Lands and Tenements as ſhall be worth the ſame; and the Sheriff ſhall thereupon by Deed ſell the ſaid Lands and Tenements to the Creditor, and deliver him Poſſeſſion, To hold to him and his Heirs for ever, or for ſuch Eſtate as the Debtor had in the ſame; Yet if the Debtor, his Heirs, Executors or Adminiſtrators, ſhall at the end of one Year then next enſuing pay the Execution Money, and Damages for the ſame, from the time of Execution awarded until payment, and ſuch Coſts of Suit as the Jury valuing the ſaid Lands and Tenements

ſhall

ſhall then ſet down, at ſuch place as the Debt was formerly agreed to be paid; and if no ſuch place was formerly agreed, then at ſuch place as the ſaid Iury ſhall appoint, the ſaid Execution to be utterly void; and the Creditor upon ſuch payment ſhall make Oath, before a Iuſtice of Peace of the ſame county, what clear Profits he hath made of ſuch Lands and Tenements during the ſaid years poſſeſſion, and ſhall deliver the ſame clear Profits to the Debtor; which Oath (as to the ſaid Profits) ſhall be concluſive both in Law and Equity: But in caſe the Lands or Tenements, or any of them ſo ſet out, be not redeemed within one year by ſuch payment as aforeſaid, and ſhall appear to be Incumbred or defective in Title, or any part of Lands extended ſhall be Incumbred or Evicted before Execution ſatisfied; The Creditor upon complaint to the Court, where the firſt Execution was Returned, may warn the Debtor, his Heirs and Aſſigns, to anſwer why a new Execution ſhould not iſſue to ſatisfie ſo much as due is to him; and for want of a ſufficient cauſe ſhewed, the Court ſhall award ſuch new Execution.

Sect. 48.

That where an Action is brought againſt an Infant, the Court ſhall not ſtay upon any Plea of Minority of that Infant, and Lands and Tenements ſubject to Execution, ſhall be liable thereunto in the hands of an Infant, Lunatick or Ideot, during Minority, Lunacy or Ideocy, but their perſons not to be Impriſoned; and if the Creditor upon ſuch Execution require to have part of the Lands ſold for ſatisfaction of ſuch Execution, the Iury ſhall then value ſuch Lands according to their true and clear yearly value, and ſet out ſo much as ſhall be ſufficient for the ſatisfaction of the Creditors Execution: But the Guardian or Friend of ſuch Infant, Lunatick or Ideot, ſhall have liberty to redeem the Lands in ſuch caſe before the Infant comes of age, or during the ſaid Lunacy or Ideocy, to the uſe of ſuch Infant, Lunatick or Ideot, paying the Principal Money and ſingle Damages: And if the Lands be not ſo redeemed, the Infant, within one year after he is of full age, and the Lunatick or Ideot after he becomes of ſound minde, or any of their Heirs, within one year after their death (the Plaintiff diſcounting the full clear profits he hath received in the mean time) may redeem the Lands; and that neither in this caſe nor in the former caſe of Execution, there ſhall be any waſte made during the time allotted by this Act for the Redemption of the ſaid Lands.

Sect. 49.

That in caſe one Recover againſt the Husband for the Debt of the Wife, her Lands liable to the Iudgement ſhall be ſold, as in other

other caſes, if the Creditor require the ſame; but after the death of the Husband, the wife ſhall have one years time to redeem; and in caſe ſhe dye, then the Heir ſhall have one years time, except it appear that ſuch wife gave her conſent to the ſale of thoſe Lands in her Husbands life time.

Sect. 50.

That in caſe any Plaintiff will put in good ſecurity before the chief Clerk of the Court whence the Summons iſſued, or before the Iuſtice of Peace before whom Oath ſhall be made of the ſervice of ſuch Summons, That he will proſecute his Suit with effect, and pay the Defendant Coſts and Damages if his Suit be vexatious (which ſecurity is to be approved of by ſuch chief Clerk or Iuſtice of the Peace, and taken in the Defendants name) And ſhall alſo enter the ſaid Summons with the Regiſter of the county where the Defendants Lands (intended to be charged) lie: In ſuch caſe, if the Plaintiff ſhall obtain Iudgement in the ſaid Suit, the Lands and Tenements of ſuch Defendant, as well ſuch as he hath or had, or any other hath or had in truſt for him, at the time of the Service and Entry of the ſaid Summons within the ſaid county, as after, ſhall be liable to Execution.

Sect. 51.

That no Execution ſhall be avoided by any omiſſion of any part of the Lands liable to Execution, but the party grieved by ſuch omiſſion ſhall call in any other party liable to Contribution.

Sect. 52.

That where any perſon oweth any Debt, or hath any Goods or Eſtate belonging to any perſon, in truſt or otherwiſe, againſt whom Execution is awarded; or any Goods or Eſtate remaining in his hands upon any Truſt, by the Delivery of the perſon in Execution, he ſhall within one Moneth after he knows Execution to be ſo awarded againſt the ſaid Debtor, enter ſuch Goods and Eſtate in the Regiſtry-Office of *London*, or give perſonal notice thereof to the party who hath the Execution: And if he ſhall not do the ſame within the time aforeſaid, or ſhall wilfully conceal any part of the Goods or Eſtate belonging to any Debtor in truſt, or otherwiſe knowing them to be his Goods or Eſtate, and knowing Execution awarded againſt him, ſuch perſon ſhall forfeit double the value of ſuch Goods or Eſtate ſo not entred or concealed, towards the ſatisfaction of the Creditors Debt; which Forfeiture (exceeding the Debts) ſhall be to the uſe of the Commonwealth, after the Creditor

Creditor is ſatisfied thereout the Debt due to him by the party, againſt whom the Execution is awarded: And that no perſon that ſhall owe any money, or have any Goods or Eſtate, knowing the ſame to belong to, or to be in truſt for the perſon againſt whom Execution is awarded as aforeſaid, ſhall pay ſuch money, nor deliver, or ſuffer ſuch Goods or Eſtate to be delivered unto, or to the uſe of that perſon, until the Execution be ſatisfied: And if any perſon ſhall buy Goods of or belonging to any other, after Judgement for Debt or Damages, knowing that Execution is awarded thereupon, ſuch ſale ſhall not be good againſt the Creditor, except it were made by a Miniſter of Juſtice in execution of his Office; But it ſhall not be adjudged wilful Concealment of a Truſt for the time paſt, if the party truſted doth make Oath that he had forgotten the ſame: And if any Money be paid, or Goods delivered to a perſon, or bought of him, againſt whom Execution is or ſhall be awarded, the perſon buying, paying, or delivering ſuch Money or Goods, ſhall be diſcharged from any penalty, upon taking his Oath in Court, or before a Juſtice of Peace, in the preſence of the party which hath the Judgement, *That he did not know either directly or indirectly, that ſuch party was a Priſoner for Debt, or that Execution was awarded againſt him:* And he that ſhall not diſcharge himſelf by taking ſuch Oath, ſhall pay the value of ſuch Money or Goods delivered over again, towards ſatisfaction of the Execution, or of ſo much as will ſatisfie the ſame.

SECT. 53.

That if the Creditor of a Debtor, againſt whom Execution is awarded, ſhall make Oath in writing in Court, or before any Juſtice of Peace, *That he ſuſpects the ſaid Debtor to conceal any part of his Eſtate, or any other perſon to be Indebted to ſuch Debtor, or truſted for ſuch Debtor; or to conceal any Debts or Goods belonging to ſuch Debtor:* The Court ſhall thereupon examine, or cauſe to be examined, the ſaid Debtor upon Oath, either in Court, or before ſome Juſtice of Peace touching the ſame; and ſummon ſuch other perſons ſo ſuſpected, to appear before the Court at ſome ſhort day, to anſwer touching the ſame: And the party ſerving the the ſaid Summons, ſhall with the ſame deliver a Copy of the ſaid Oath; And if the party ſummoned ſhall not appear upon ſuch Summons, or appearing, ſhall either refuſe to be examined, or to anſwer directly to the ſatisfaction of the Court, He ſhall for ſuch Offence be committed to Priſon, there to remain until he conform: But if ſuch party ſummoned ſhall appear and be examined, he ſhall have ſuch Charges as the Court ſhall direct, unleſs before ſuch Summons he did not diſcover (being thereunto required) what upon his Examination he confeſſeth: And if the Debtor ſhall refuſe to be

examined, or ſhall not make poſitive and direct anſwer upon ſuch Examination; or ſhall after one Moneths Impriſonment in Execution, be convicted, That he hath wilfully concealed any part of his Eſtate, Truſt of Eſtate or Debt due to him, to the value of Five pounds, or above, he ſhall for ſuch Offence be publiquely whipt, by receiving nine ſtrokes at the leaſt, and not above fifteen, and ſhall be kept to work till he conform.

SECT. 54.

That where any Debt is delivered upon Execution, the Party to whom the ſame is ſo delivered, may ſue for it in his own name, without laying any other Certainty in his Declaration then ſhall appear upon the Sheriffs Return of the Execution; and ſuch Debt ſhall not be accompted as ſatisfaction of any part of the Execution, until it be received; and if his Debt be more then to ſatisfie the Execution, he ſhall receive no more then will ſatisfie the Execution; and if he ſue for it, he ſhall ſue for no more then will ſatisfie the ſaid Execution.

SECT. 55.

That where the Body or Lands of any perſon ſhall be in Execution for Debt or Damages, at the time of paſſing this Act, the Creditor ſhall have the ſame and like Benefit againſt his Lands and Tenements, Goods and Chattels, Debts and Truſts, and for Diſcovery of the ſame, as any perſon ſhould or might have after Iudgement and Execution within this Law; And in caſe ſuch perſon have not Lands or Goods ſufficient to ſatisfie his Debts, then ſuch Parties may be put to the Work-houſe, and wear the diſtinction of Habit, according to the direction of this Act.

SECT. 56.

That the Iuſtices of Peace of every county (other then Corporations) ſhall at the General Seſsion to be held next after the Twenty ninth day of *September* yearly, chuſe three of the moſt able and fitting perſons within the county, to be High Sheriff thereof for the year enſuing; and within thirty days after ſuch Election, preſent the ſame to the Speaker of the Parliament (ſitting the Parliament) and in the interval, to the Preſident of the Councel of State, whereof one is to be choſen Sheriff; and ſuch Sheriff ſhall have his Patent, and paſs his Accompt, upon tendring himſelf ready to accompt, without delay or paying any Fee whatſoever: And any perſon that is to paſs a Sheriffs Accompt, and ſhall delay the ſame, or receive any Money, Gift, Reward or Promiſe from a Sheriff,

Sheriff, or any other on his behalf, for or in reference to the paſſing any ſuch Accompt, ſuch perſon ſhall be diſabled to bear Office of Truſt and Profit in the Commonwealth, and ſhall pay ſuch Sheriff Ten-fold what ſhall be ſo received: And the ſaid Sheriff ſhall not at any publique Meeting, for the Execution of his Office, give any entertainment byway of feaſting or other hoſpitality, to any but of his own Family, except poor People by way of Alms, nor ſhall give or ſend any Gift or Preſent to any Iudge or Iuſtice, nor have above Eight perſons in Badge or Livery to attend him; and every Sheriff for every Entertainment, Gift or Preſent made contrary to this Act, ſhall forfeit One hundred pounds; and for every Badge or Livery above the number of Eight, Twenty pounds, to be paid to the Treaſurer of the county, towards the publique ſtock of the county; and the Iuſtices of the Peace ſhall provide ſufficient Guard for the ſervice and ſecurity of the Courts of Iuſtice within their county, to be paid by the Iuſtices out of the Treaſury of the county; and no Fine ſhall be impoſed upon any Sheriff by any Iudge for any Offence in his Office (except for Abuſe or Delay in not Returning or Executing legal Proceſs) before ſuch Sheriff ſhall be indicted and convicted for ſuch Offence.

SECT. 57.

That all perſons ſhall be alike lyable to the Proceedings of Iuſtice, without any Benefit of Priviledge; And in all counties there ſhall be Execution done, and all Proces and Warrants ſerved and executed by the Sheriff, and other Officers of the county, without regard of any particular Liberties or Priviledges: And the Sheriff or other Officer endeavoring to execute any Proces or Warrant, for the apprehending any perſon, may make freſh purſuit after and apprehend him, although in any other county, and whoſoever ſhall harbor or entertain any perſon in his houſe or lodging, againſt whom Execution is awarded, knowing the ſame, and ſhall conceal or deny to deliver ſuch perſon, being demanded of him, ſuch perſon ſhall pay the whole Debt owing by the perſon againſt whom the Execution is awarded: And if a Sheriff upon Execution ſhall levy Goods in the poſſeſsion of the Debtor, belonging to another perſon (except the Horſes and Goods of Travellers in common Inns) no Action ſhall lye againſt the Sheriff for the ſame; But upon complaint, and making proof of the property of ſuch Goods, before the Court whence the Execution iſſued, upon or before the Return of the Writ of Execution, the ſame ſhall be delivered to the Party whoſe they appear to be: And where any Goods are delivered in Execution, which ſhall be recovered upon a Title preceding the Execution, the Court (upon Oath made of ſuch Recovery) may award a new Execution for the value of the Goods ſo recovered.

SECT. 58.

That the Execution ſhall be returnable at a certain time, ſuch as ſhall be appointed by the Plaintiff, and mentioned in the Writ; And that the Plaintiff ſhall have liberty to renew his Execution when he pleaſeth, until ſatisfaction.

SECT. 59.

That if the Sheriff ſhall forbear his Return of the Writ of Execution, after the time of the Return of it, he ſhall forfeit for every week after ſuch default, One tenth part of the Debt due to the Plaintiff, which tenth part ſhall be paid to the Plaintiff.

SECT. 60.

That for Neglect or wilful Delay of a Sheriff or Coroner, in not ſerving or returning the Proceſs of Attachment, or in giving poſſeſsion where poſſeſsion is to be given, the Sheriff ſhall forfeit Ten pounds, one half to the Party, the other to the Commonwealth; And upon every Default this Fine ſhall be doubled, and it ſhall not be in the power of the Court to remit or abate this Fine, nor ſhall the ſame bar the Party concerned from his Action againſt ſuch Sheriff or Coroner for his Damages.

SECT. 61.

That if any Sheriff, Under-Sheriff, Conorer, Bayliff or other Officer, that is to execute any Proces of Law or Execution, do directly or indirectly give notice of any ſuch Proces or Execution to the Party againſt whom the Execution is awarded, or any upon his behalf, before the ſame is actually ſerved, the party giving ſuch notice ſhall pay the thing in demand, and have his remedy over, againſt the party who ought to have paid the ſame; and if he be not able to pay, he ſhall be committed to the Houſe of Correction, and ſtay there till the Creditor be ſatisfied.

SECT. 62.

That if Goods or Money be levied in Execution, the Sheriff ſhall forthwith deliver the ſame to the Creditor, and if he doth not deliver the ſame upon demand, he ſhall (for every week he ſhall ſo retain them) forfeit One tenth part of the value of the Goods or Money by him levied, which ſhall be paid to the Plaintiff.

SECT. 63.

That the Sheriff that doth Execution, ſhall not take poundage for more then what is truly and actually levied, and ſhall not take any thing at all from the Creditor, but ſhall levy his juſt Fees upon the Debtor.

SECT. 64.

That any who ſueth forth Proceſs or Writ of Execution, may take the ſame directed to the Sheriff and Coroner, or either of them, by vertue whereof either of them to whom the ſame is delivered, ſhall execute the ſame; And the ſaid Coroner is hereby Enabled and Required to do and act all things in Execution of the ſame, under like Fees and Forfeitures as the Sheriff ought to do, act, receive and forfeit, by vertue of this preſent Act.

SECT. 65.

That the Sheriff, Under-Sheriff and Coroner in the Execution of any Proces of Law, may in perſon break open any door and enter, if it be not opened upon his demand.

SECT. 66.

That Officers and Miniſters of Juſtice may be known and obeyed, Every Sheriff, Under-Sheriff and Conorer in the execution of his Office, ſhall carry a white Staff, every Bayliff a white Wand, every Serjeant at Mace, a Mace with the Arms of the Commonwealth on it, and every Conſtable or perſon ſupplying that Office, ſhall carry a Conſtables ſtaff with the Commonwealths Arms on it, to be provided at the Charge of every reſpective Pariſh; And any perſon who ſhall knowingly aſſault any ſuch Sheriff, Under-Sheriff, Coroner, or other Miniſter or Officer of Juſtice in the Execution of his Office, and ſhall be thereof convict, ſuch perſon ſhall be committed to the Houſe of Correction, and ſhall be whipt and kept there at work ſeven years, or otherwiſe ſhall be Fined at the diſcretion of the Court where he ſhall be convicted, and this Fine ſhall not be leſs then One hundred pounds for every Offence; And the like puniſhment for any perſon, who being Apprehended or Arreſted, ſhall make Reſiſtance or Eſcape, or be aſſiſting thereunto; and if in the aforeſaid Aſſault any Weapon be uſed, or Piſtol or other Gun preſented againſt the aforeſaid Officers in the execution of their Office, beſides the former puniſhment, the party convict thereof ſhall alſo have his right Hand cut off; and if death enſue to any ſuch Officer, by reaſon of any Aſſault in the execution of his

his Office, the party thereof convict ſhall ſuffer death without pardon, and his Body be hung up in chains.

SECT. 67.

That any Priſoner may be ſued in the Judicature to which the priſon doth belong, and leaving a Summons and Copy of the Declaration with the Priſoner, ſhall be a ſufficient ſervice whereon to proceed to Judgement and Execution; And if ſuch Priſoner doth not make Defence within Eight days after ſuch Summons ſerved, and Oath made thereof, then Proces of Attachment ſhall iſſue; and where Attachment is awarded againſt a Priſoner, the Keeper of the priſon ſhall execute and return the ſame, as if it were a Writ directed to him to have the Body of ſuch Priſoner at the Return thereof.

SECT. 68.

That if Judgement be obtained againſt any Jaylor or Keeper of a Priſon, in any Action for any Neglect or wilful Eſcape, ſuch Jaylor or Keeper of a Priſon ſhall pay One hundred pounds for every ſuch Offence, to the County ſtock of the County where ſuch Judgement ſhall be obtained; And upon the deſire of the party who hath ſuch Judgement, to the Court where the ſame is obtained, the ſaid Court ſhall forthwith commit ſuch Jaylor or Keeper of priſon, to ſuch other priſon within this Commonwealth, as the party having Judgement ſhall deſire, where he ſhall remain cloſe priſoner in Execution and Irons, until the ſaid Judgement and Fine be ſatisfied; and ſuch Neglect or wilful Eſcape ſhall be Forfeiture and Loſs of the ſaid Office of Jaylor or Keeper of a Priſon.

SECT. 69.

That in a Replevin (inſtead of Pledges) the Plaintiff ſhall enter Bond with Sureties to the Defendant, condition'd, That if he ſhall not proſecute his Suit, or ſhall diſcontinue the ſame, or be nonſuited, or that Judgement be given againſt him therein, that then he will pay the Condemnation, or elſe upon demand pay the Defendant the true value of the Goods diſtrained, and valued by the Officer, making delivery of the ſaid Goods; who ſhall alſo take the Bond, and judge of the ſufficiency of the Security given, and deliver the ſaid Bond over to the Defendant: But in all Replevins of live Goods, the party diſtraining ſhall be paid for the feeding of them before they be delivered.

SECT. 70.

That Hay or Corn, in Barn, Rick or Mow, being upon the Tenement of which Rent is due, may be diſtrained.

Sect.

SECT. 71.

That within Twenty four hours after Diſtreſs taken for Rent due, notice ſhall be given to the Owner, or left in writing at the Houſe or Lodging of the Owner, or of the Conſtable, Headborough, Tything-man, or like Officer of the Pariſh where ſuch Diſtreſs is made; who are hereby required to give him notice thereof.

SECT. 72.

That Diſtreſſes taken for Rent of live Goods, preſerved by the ſpace of ten days and not replevied, and of dead Goods not replevied in fifteen days, may be ſold; which ſhall be done in this maner, (that is to ſay) The Party diſtraining, or ſome on his behalf, ſhall acquaint the Sheriff therewith, who ſhall at the next ſitting of the County Judicature, cauſe twelve perſons out of the Jury Book to be ſworn, To deal uprightly touching the Appraiſement of the ſaid Goods, and giving the Parties who diſtrained them juſt ſatisfaction out of the value of them, according to their beſt skill and judgement; and the perſons ſo ſworn, ſhall thereupon make Appraiſement of the ſaid Goods, and likewiſe ſet down what is juſtly due to the Party who diſtrained them, with his Damages and full Coſts, and the Charge of keeping the Diſtreſſes; And the Sheriff ſhall thereupon ſell the Goods, and by the price pay the Party diſtraining his full Debts, Damages, Coſts and Charges ſo found by the Jury, (if the Value will extend thereto) and if there be a ſurpluſage, reſtore it to the Owner of the Goods, all but his own Fee, which he is to retain; And ſhall in the ſame Judicature cauſe the Appraiſement and Diſtribution of the Money to be entred; and this proceeding to be final, without further queſtion to be had in Law or Equity.

SECT. 73.

That if upon Tryal in a Replevin upon a Diſtreſs taken for Rent, the Plaintiff be non-ſuited, or a Verdict be found againſt him, the Jury ſhall enquire of the whole Rent then due, and expreſs the ſame, and Damages and full Coſts, and declare whether the Plaintiff in Replevin ought to pay the Rent or no; And in caſe the Jury finde that he ought to pay the Rent, then Judgement ſhall be given for all the ſaid Rent, Damages and full Coſts, as in an Action of Debt, after Verdict and like Execution awarded: But if the Jury ſhall finde that the Goods diſtrained and replevied, did not belong to the Party who ought to pay the Rent, then they ſhall enquire the true value of the Goods diſtrained, and aſſeſs Damages and full

full Coſts, and Judgement ſhall be given for ſo much of the value of the ſaid Goods as the Debt cometh to, with Damages and Coſts, as in an Action of Debt, and like Execution awarded; and ſuch Judgement ſhall be final, without further Queſtion in Law or Equity.

SECT. 74.

That he that hath Right of Entry into any Meſſuage, Lands, Tenements or Hereditaments, may commence his Suit and Declare againſt the preſent Tenant, Poſſeſſor or Occupier for a Treſpaſs, and withholding Poſſeſſion from him; and if the Jury ſhall finde the Plaintiffs Right, and withholding poſſeſſion from him, or Judgement paſs by default; He ſhall have Judgement for recovering the Poſſeſſion, as well as Damage for the Treſpaſs, if the Treſpaſs onely be found, and Execution accordingly, and by vertue thereof ſhall hold the Poſſeſſion until he be lawfully evicted; But ſuch Judgement and Execution ſhall not be a Bar to any better Right: And the chargeable and uncertain courſe of ſealing Ejectment-Leaſes, on purpoſe for recovering Poſſeſſion, is to be henceforth forborn, and no more uſed.

SECT. 75.

That there ſhall be no advantage of Survivorſhip between Partners in Trade or Joynt-Tenants, unleſs it be ſo expreſly declared in Writing under their hands and ſeals; and for want of ſuch expreſs Declaration, the Eſtate in Partnerſhip or Joynt-Tenancy ſhall go as in caſe of Tenants in Common.

SECT. 76.

That where a married Man purchaſeth Manors, Lands, Tenements or Hereditaments, and it be declared in the Conveyance to him, That his Wife ſhall not be Dowable of the ſame, ſhe ſhall not have any Dower thereof; And a Woman ſhall not be Dowable of ſuch Eſtate of her Husband as was in Truſt for another; nor ſhall an Eſtate in Truſt for another be lyable to any Debts, Judgements, Statutes or Recognizances of the Party truſted.

SECT. 77.

That any perſon having a Reverſion in Fee in Lands, expecting immediately upon a term for Years, and purchaſing the ſaid term, if it be declared in the Deed of Purchaſe, that the term of Years ſhall be kept on foot, the ſame ſhall not be drowned, but ſhall remain

main in him as a distinct Estate; and a like Declaration of keeping on foot any other Estate for Life, Years or otherwise, shall preserve the same from drowning, in any greater Estate, in the hands of the same person, as fully to all intents and purposes, as if the same were in two distinct persons.

SECT. 78.

That where any person having an Inheritance in himself, or in Trust, and a particular Estate or Trust of the same thing, and dyeth without any Disposition of the particular Estate or Trust, the same shall go along with the Inheritance.

SECT. 79.

That a Colateral Warranty, first descending from and after the passing of this Act, shall not binde the Heir, on whom it descendeth, in any other maner, then a Lineal Warranty with Assets.

SECT. 80.

That where a Lessee for the Life of another, dyeth in the Life of that other, the Estate which heretofore was called a *General Occupancy* shall go to the Heir of the Lessee, as an Estate of *Special Occupancy*, and both the Estates shall be lyable to the Debts of the Ancestors as if descended in *Fee Simple*.

SECT. 81.

That for want of Heirs of the whole Blood, Lands in Fee shall descend to the Sister and other Heir of the half Blood, and shall not in such case Escheat the Lord of the Fee.

SECT. 82.

That where Waste shall be done by any party (who may not lawfully do it) an Action of Waste shall lie for the same by him who hath the Inheritance; in which he shall recover his treble Damages till Tryal, and full Costs of Suit; and the place wasted, during the continuance of such Estate onely, as the party doing or wilfully suffering such Waste, had in the same: And such Action of Waste, as also a Writ of Dower, and a Writ of Partition between Joynt-Tenants, Tenants in Common, and Partners of any Estate, shall and may be brought, heard and determined in any Court of Record for Common-Pleas or County Judicature, for any Lands, Tenements or Hereditaments within the said County; and upon

Return of the Writ in any ſuch Caſe, if the Defendants appear not, they ſhall be called three times; and not then appearing, the party ſerving the Summons ſhall be ſworn touching the ſervice thereof and if it appear not duly ſerved, a new Summons ſhall iſſue; but if it appear duly ſerved, and the Declaration Filed, the Court ſhall then (as alſo where the party doth appear and plead to Iſſue) cauſe a Jury to be ſworn, and try the Matter; and (if a Verdict be found for the Plaintiff) give Judgement preſently, and award Execution thereupon: And the Court ſhall appoint three or more of the ſaid Jurors, to joyn with the Sheriff or Coroner in ſetting out the Lands, Tenements or Hereditaments ſo recovered, and a time and place of meeting ſhall be expreſſed in or endorſed on the Writ of Execution, for the Sheriff and Jurors to meet; And the Sheriff and Jurors ſhall under their hands Return diſtinctly what Lands, Tenements or Hereditaments, and in what maner ſet out, and ſhall have Five ſhillings apiece for their pains, unleſs the Lands recovered be worth above Forty pounds yearly, and there Ten ſhillings apiece, (or more if the Court finde cauſe) and every of them found negligent in their duty, according to this Act, ſhall for every ſuch neglect forfeit Ten pounds, one half to the Commonwealth, the other half to the Party injured: And if there be any fraud in the Proſecution of any ſuch Action, whereby any Party concerned, and not appearing (without any neglect or wilful default in him) ſhall ſuffer thereby, the Court upon complaint and examination thereof, finding the ſame true, may award a new Tryal, and make void the former Judgement, and give Coſts to either party as there ſhall be cauſe: And if a Plaintiff in any of the ſaid Actions doth not proſecute, or a Verdict be found againſt him, the Defendant is to have full Coſts; And if any Party beſides the Inheritor of the ſaid Lands be damnified by Waſte, the Party ſo damnified may have an Action upon his Caſe to recover his Damages againſt the Party doing the wrong.

SECT. 83.

That where a Parent dyeth Inteſtate, ſeized of any Eſtate of Inheritance deſcendable, by Law or Cuſtom, to any one Childe, leaving any other Childe or Children un-advanced, One third part of the ſaid Inheritance, after the Parents Debts paid, ſhall remain to ſuch Childe or Children un-advanced, and their Heirs; and unleſs a Childe be married in the Life of the Parent with the Parents conſent, or Lands deſcend to ſuch Childe from the Parent by the Cuſtom, or be ſetled on him, or ſhall be declared by the Parent in Writing under his hand, or before two Witneſſes, to be advanced, or that he ſhall have no Advancement; ſuch Childe ſhall be taken to be a Childe un-advanced within this Clauſe of the Proviſion of this Act.

SECT.

SECT. 84.

That the Names of all Attorneys in the Upper-Bench and Common-Pleas ſhall forthwith, after the paſſing this Act, be written out of the Rolls by the chief Clerk of either Court, and certified to the Clerk of the Peace of the reſpective County where they inhabit; who ſhall at the ſecond General Seſſion, next after paſſing this Act, deliver the ſaid Names to the Grand Jury then ſworn, who ſhall, as part of their Preſentment, Return the Names of ſo many of them onely, as they approve fit to be continued Attorneys in that County; and the Clerk of the Peace ſhall thereupon, without delay, Return the Names of the ſaid Attorneys ſo approved, to the chief Clerk of the Court whence he received the ſame: And no Attorney ſhall be admitted to Practiſe, as Attorney, after the end of the ſaid ſecond General Seſſion, who ſhall not be approved by the Grand Jury of the County where he ſhall inhabit; And the Grand Juries of each reſpective County ſhall from time to time Preſent to the Judges of the Courts of Juſtice, the Names of fit Perſons, inhabiting within their County, to be Attorneys, as often they ſhall finde the number of them to be too few, and the Court ſhall allow ſuch of them as ſhall be able: But none are to be preſented or allowed for Attorneys, which have not been Educated in ſome of the Inns of Chancery to fit them for that Imployment.

SECT. 85.

That no Attorney ſhall be admitted to appear for any perſon, until Oath be made of the ſervice of the Summons, unleſs he make Oath before the ſaid chief Clerk, That he hath Order from the Clyent for whom he doth appear, ſo to do, and produceth a Warrant to the chief Clerk, under the hand and ſeal of the Party that gave him Direction; nor ſhall any Attorney confeſs Judgement in any Action: And if any Attorney appeareth without Warrant from his Clyent for whom he appears, or confeſſeth a Judgement againſt his Clyent he ſhall ſuffer ſuch Puniſhment as one convict of Perjury.

SECT. 86.

That all Matters now Determinable in the Court of Exchequer, or other Court of Revenue, touching the Revenue of the Commonwealth, ſhall be heard and determined, both in Law and Equity, in the Upper-Bench; and there ſhall be like Proces and Proceedings for the Commonwealth, as for other perſons at the Common Law: And that the Sheriff of each County ſhall levy

all the uncertain Revenue of the Commonwealth, and ſuch other Revenue as he ſhall be commanded to levy by Proces; and that there be an Officer continued, called *The Remembrancer of the Commonwealth*, who ſhall execute the Office in perſon, and not by Deputy (except in caſe of Sickneſs, and then by a perſon thereto deputed by the Court) and Fines, Recognizances, and other things for the Commmonwealth, ſhall be ſent to him: And the ſaid Remembrancer ſhall iſſue out all Proces, and upon Return File the ſame, and keep the Vouchers and Records touching the Revenue; and there ſhall be a Comptroller, who ſhall enter all things touching the Revenue in fair Books to be kept for that purpoſe: And there ſhall be two Auditors for taking all Accompts touching the Revenue, in preſence of the ſaid Comptroller, who ſhall alſo ſign the Accompt with the Auditors; And all Accompts of the Revenue ſhall be Declared in Court, or before two or more of the Judges of the ſaid Court: And there ſhall be a Regiſter to enter all Orders and Decrees touching the Revenue: And there ſhall be a perſon appointed for the Receiving and Paying out of all Moneys; and ſuch other Officers, touching the ſaid Revenue, as the Parliament ſhall appoint: And all the ſaid Officers, touching the ſaid Revenue, ſhall have their Salary from the Commonwealth, to be appointed by the Parliament: And the Court of Exchequer, and all other Offices now belonging thereunto, being unneceſſary and chargeable, ſhall be, and hereby are from and after abloliſhed and taken away.

SECT. 87.

That the County Palatine of *Durham*, from and after be aboliſhed, and be called and accompted the County of *Durham*, and one of the Counties of *England*. The County Palatine of *Lancaſter*, from and after be alſo aboliſhed, and be, and be accompted part of *Lancaſhire*. The Royal Franchiſe or County Palatine of *Ely*, from and after be alſo aboliſhed, and be, and be accompted part of *Cambridgeſhire*. The County Palatine of *Cheſter*, from and after be alſo aboliſhed, and be, and be accompted part of *Cheſhire*, and taken into the ſame Circuit with *Staffordſhire*. And the aforeſaid Shires and County of *Durham*, ſhall be under like Rules, Orders and Government, and have like Judicatures, Officers and Miniſters of Juſtice, elected in like maner, and to have like Continuance as other Counties of this Commonwealth: And from and after Moneths next after the eſtabliſhment of the ſaid Judicatures, The Courts of the ſaid Counties Palatine and Royal Franchiſe, Courts of Quarter-Seſſions of the Peace, County-Courts,

Courts, Sheriffs-Turns, Hundred-Courts, and all other Courts of particular Liberties and Franchiſes, now uſed, ſhall be aboliſhed and taken away.

Sect. 88.

Provided always, That nothing in this Act ſhall extend to the taking away of any monethly Meeting or Petty-Seſſions in any County, or any of the Court of Seſſions of the Peace, *Oyer* and *Terminer*, and Goal-Delivery, within or for the County of *Middleſex*; or of any Court of the Cities of *London*, *York*, *Norwich*, *Exeter*, *Briſtol*, *Cheſter*, the Town of *Newcaſtle*, *Dover*, and the Cinque-Ports, Courts of Admiralty, Courts Leet, Courts Baron, or Copy-hold Courts: Or to the taking away of the Power of any Borough or Corporation, Courts of Record in holding Pleas againſt any Member of the ſaid Borough or Corporation; obſerving always a Summons, with a Copy of a Declaration to the Defendant, and Oath made thereof, and Filed with the Declaration in Court, before his perſon or goods be attached; delivering Copies of Pleadings without Fees, and obſerving ſuch Proces as is appointed in the Courts of County Judicature: And the Commiſſioners of the Great Seal of *England*, for the time being, ſhall appoint a Judge for the Counties of *Denbigh*, *Flint* and *Montgomery*, who ſhall there have power to do and act as the chief Juſtice of *Cheſter* might have done before this Act; and that no Preſentment, Indictment or Cauſe commenced in any Court or County Judicature, Seſſions of the Peace, Corporation or Borough Court where it may be determined, ſhall be ſtayed by Prohibition, or any way remove thence, ſave onely upon an Appeal.

Sect. 89.

That upon any Action between party and party, or Information upon any Penal Statute, none ſhall be attached or proceeded againſt by Writ or Attachment of Priviledge, Latitat, Bill of *Middleſex*, or any other Proces; or be Outlawed, or any ways Arreſted by any Serjeant, Bayliff, Meſſenger or other, Save onely as this Act preſcribeth.

Sect. 90.

That no Serjeants, or Councellors at Law, or Attorneys, ſhall be admitted to Practiſe, without taking the reſpective Oaths following;

The

The Oath for Serjeants and Councellors at Law.

I Will not wittingly adviſe or conſent to any thing to prejudice my Clyent, by delay or otherwiſe in his Cauſe, or adviſe or conſent to the puting in any Plea or Demurrer, with intent to delay any Suit; I will not adviſe the commencing, proſecuting or defending of any Cauſe, which in my own Judgement and Conſcience I do think juſt: I will to the beſt of my ſkill adviſe my Clyent that which I judge to be the ſpeedieſt Courſe, and with leaſt charge, to Recover his Right, and defend himſelf from wrong; and uſe my beſt endeavor for him, in the lawful way of my Profeſſion, for thoſe ends: I will not knowingly miſ-inform or deceive any Court where I ſhall plead; But in all things behave my ſelf as an honeſt and faithful Counſellor ought to do, to the utmoſt of my underſtanding and Conſcience.

The Oath for Attorneys.

I Will not knowingly lay any Action, ſave in the County where the Cauſe of Action ariſeth, or the Defendant dwelleth, unleſs it be by Order of Court, or conſent of the Adverſe Party: I will not Plead or Adviſe, or conſent to the pleading of any Foreign or other Dilatory Plea, or put in any Demurrer, with intent to delay the Adverſe party: I will not in any maner knowingly miſ-inform the Court, or delay, or conſent to any thing which may prejudice my Clyent by delay in any Suit: I will not demand or receive from my Clyent more then my juſt Fees, or what I ſhall juſtly pay for him: I will not Sue nor Appear for any perſon without his direction; I will uſe no falſhood or deceit, or conſent to any in this Court: And if I know of any, will (aſſoon as I may) diſcover it to the Court; and will in all things behave my ſelf as an honeſt Attorney ought to do, to my Power.

A Table of Fees for the Proceedings at Common Law, to be hung up in every Court.

	l.	*s.*	*d.*
For every thing ſealed with the Seal of the Court, to be paid to the Keeper of the Seal, to the uſe of the Commonwealth,	0	0	6
For a Serjeant or Barriſter at Law for a Motion, Tryal, or attending a Reference, or giving his Opinion upon a Caſe ſtated in writing,	0	10	0

And

	l.	s.	d.
And for an Argument upon a ſpecial Verdict or Demurrer,	1	0	0

And the Clyent is not to give, or the Lawyer expect or receive above the foreſaid Fees; and no perſon is to take a Fee for pleading or advice in Law, who is not a Serjeant or Barriſter at Law: But theſe Fees ſhall not extend to Pleaders in Corporations, where they uſe to take leſs Fees; and there they are not to take greater Fees then have been uſually accuſtomed.

To the chief Clerks and under-Clerks, for Writing, Entring and Filing the Summons; or for a Summons to teſtifie, and Entry thereof, beſides the Seal,	0	1	0

The like for the Writ of Attachment and Filing.

For making and Filing a Writ of Enquiry of Damages,	0	1	0

The like for making and Filing a Writ of Execution.

To the Plaintiffs Attorney for ſuing out the Summons, Drawing and Engroſſing the Declaration, and one Copy thereof, including his Fee,	0	6	6

The like to the Defendants Attorney for Appearing, and putting in a Plea, general or ſpecial, or Demurrer, and one Copy thereof.

To the Attorney for his care and pains at the Tryal, or upon a Writ of Enquiry,	0	3	6

The like for ſuing forth and proſecuting the Writ of Execution.

To the Sheriff, for himſelf and ſuch as he ſhall imploy for executing a Writ of Attachment, and the Return thereof,	0	3	6
To the Sheriff, chief Clerk or Juſtice of Peace, taking ſecurity,	0	0	6
For Adminiſtring an Oath,	0	0	4
To the Sheriff for ſummoning and returning the Jury in every Cauſe tryed,	0	1	0
To the Sheriff for Inventorying, Appraiſing and Securing Goods upon the Writ of Attachment, for the value of every Twenty ſhillings,	0	0	1
To the Sheriff for delivering poſſeſſion upon a Writ of Execution, where no oppoſition is made,	0	10	0
Where forcible oppoſition is made, and the party convicted thereupon,	10	0	0

Both theſe to be paid by the Defendant, and the Plaintiff nothing in either caſe.

To

	l.	s.	d.
To the Clerk for writing the Names of Jurors, Calling and Swearing, Reading the Evidence, and Recording the Verdict or Non-ſuit, in every Cauſe tryed, from the party for whom the Verdict is given, or from the Defendant where the Plaintiff is Non-ſuit,	0	2	0
To the Clerk for every Rule or Order of Court,	0	0	4
To the Clerk for drawing up every ſpecial Verdict,	0	1	0
Or two pence for every twelve Lines with ten words in a Line, at his election.			
To the chief Clerk and Under-clerks, for Filing all Proceedings, Entring up the ſame, and Iudgement upon Record,	0	2	0
Or two pence for every twelve Lines, as before.			
To the chief Clerk for Filing and keeping all the Records, to be paid upon the Filing of the Declaration,	0	1	0
For any Search and liberty to Read,	0	1	0
For acknowledging ſatisfaction on Record,	0	1	0
For any copy of a Record, for every twelve Lines having ten words therein,	0	0	2
For Exemplifying any thing upon Record, for every twelve Lines having ten Words therein, beſides the Seal,	0	0	3
For a Writ of Notice called a *Scire facias*, and the Return, beſides ſix pence for the Seal to the Commonwealth in all Courts,	0	2	0
For a Writ to have the Body, called a *Habeas Corpus*, and the Return, beſides ſix pence to the Commonwealth for the Seal in all Courts,	0	2	0
For the Anſwer in writing to any Petition,	0	2	6
To the Cryer for every Cauſe tryed, to be paid by the party for whom the Verdict is given, or from the Defendant where the Plaintiff is Non-ſuit,	0	1	0
Beſides for every Witneſs that Appeareth and giveth Evidence, by the party producing him,	0	0	4
To the Door-keeper and ſuch as cleanſe the Court, upon every Cauſe tryed, to be paid as the Cryers Fee,	0	1	0
For writing any thing not within the former particular Fees, for every twelve Lines with ten Words in a Line,	0	0	2

And if any perſons aforeſaid, ſhall demand or receive any more or other Fee then is before expreſſed (not being allowed by Act of Parliament) or any thing for Expedition, the ſame ſhall be adjudged Extortion.

That no Attorney ſhall receive any Fees exceeding Ten ſhillings in any one Cauſe, above the Fees hereby allowed him, and yet ſhall continue and uſe his beſt Endeavor in the way of his Profeſſion, to bring that Cauſe to a ſpeedy end, or otherwiſe ſhall return all the Fees he hath received in the Cauſe; And if he offend herein, ſuch Offence ſhall be puniſhed as Extortion.

AND be it further Enacted, That any perſon not really worth Ten pounds, and making Oath of the ſame, is to be admitted to ſue as a poor man in Law or Equity without any Fee; So always as before ſuch Admittance, ſome Serjeant or Councellor at Law, Juſtice of Peace, or other underſtanding perſon of integrity, known to the Iudge who admits him, do ſet down in writing under his hand the ſtate of the Caſe, and that he conceives the Plaintiff hath juſt cauſe of Suit; which Certificate is to be Filed with the chief Clerk without Fee.

Touching Criminal Cauſes.

BE it Enacted, That hereafter when the Clerk of the Court hath read over the Preſentment, Indictment or Information to the party accuſed, in ſtead of asking *Guilty* or *Not guilty*, he ſhall onely ask, *What ſayeſt thou to the Charge now read againſt thee?* And if the party accuſed ſhall not thereupon confeſs the Fact, or plead ſpecially, ſuch party ſhall ſay, *I abide my lawful Tryal*; whereupon, without any further Form or Queſtions of courſe to the Priſoner, the Court ſhall proceed to Tryal.

SECT. 2.

That the Judgement and Puniſhment of Preſſing, (commonly called *Paine fort & dure*) and all proceedings thereupon, ſhall be from henceforth aboliſht; and in caſe any perſon or perſons ſhall hereafter ſtand mute, or not plead (whereby the ſaid Iudgement ſhould heretofore have been awarded againſt ſuch priſoner) in every ſuch caſe the party ſo ſtanding mute, or refuſing to plead, and all Acceſſaries thereunto, as well before as after the Facts, ſhall have ſuch and the like Iudgements and Proceedings, and ſhall ſuffer ſuch Pains, Penalties and Forfeitures, to all intents and purpoſes, as if ſuch parties had been convicted by Verdict.

SECT. 3.

That as well in matters of Fact as Law, where there ſhall any perſon plead as of Councel againſt the Priſoner, in ſuch caſe the Priſoner may have Councel; and any credible Witneſſes produced by the Priſoner, ſhall hereafter deliver their Teſtimonies upon Oath.

SECT. 4.

That beſides the puniſhment already by Law inflicted upon Wilful Murtherers, it ſhall be part of the Iudgement pronounced againſt every ſuch Offender, That their right hand ſhall be cut off before their Life be taken away.

SECT. 5.

That where the Iury ſhall finde, That the party indicted killed the perſon (for whoſe death ſuch party ſtands indicted) either in the juſt and neceſſary defence of their own or anothers Life, or that the Death happened by Miſadventure, in ſuch caſe any party ſo found ſhall be clearly acquit, without incurring any Penalties or Forfeitures, or ſuing out any Pardon of courſe; And nothing to be henceforth forfeited as a Deodand.

SECT. 6.

That the uſage and cuſtom of demanding and allowing the Book, commonly called *The Clergy*, and all proceedings thereupon, together with the Power, Office and Iuriſdiction of the Ordinary concerning the ſame, be from henceforth taken away and aboliſht.

SECT. 7.

That all and every perſon and perſons, who ſhall be hereafter convicted as Principals of Man-ſlaughter, or as Acceſſaries thereunto before the Fact, ſhall have Iudgement of Death; but ſuch Iudgement ſhall work no corruption of Blood, or forfeiture of Lands or Goods: And that every perſon convicted as Acceſſary after ſuch Fact, ſhall onely have Iudgement to forfeit all his Goods and Chattels, and ſuffer Impriſonment for the ſpace of Five years, from the time of ſuch conviction.

SECT. 8.

That every perſon and perſons, who ſhall be hereafter convicted of Felony, in being married to a ſecond Husband or Wife, the former being living, ſhall have Iudgement to die, and ſuffer ſuch

pains

pains of Death, Penalties and Forfeitures as in caſes of Adultery. *Provided* nevertheleſs, That it ſhall and may be lawful to, and for the Court before whom any perſon ſhall be convicted of Man-ſlaughter, either as Principal or Acceſſary before the Fact, in maner aforeſaid, or for marrying a ſecond Husband or Wife, the former being living as aforeſaid (if the ſaid Court upon the Evidence ſhall ſee cauſe) to reprieve ſuch perſons from Execution for the ſpace of Six moneths; and in ſuch caſe ſhall within Two moneths after ſuch Reprieve, make Certificate (under their or any three of the hands of the Iuſtices before whom the Tryal was had) to the Parliament, or in the intervals thereof to the Councel of State, of the Reaſons inducing the Court thereunto, who may thereupon pardon the parties, or otherwiſe order therein as they ſhall ſee cauſe.

SECT. 9.

That in all caſes of Felonious ſtealing, where a man offending might heretofore have had the benefit of Clergy, in ſuch caſes every perſon, whether man or woman offending, convicted thereof, ſhall be burnt in the left hand with the letter T, and be alſo ſent to the Houſe of Correction or Work-houſe, there to continue at hard labor, until treble the value of the Goods ſtoln be rendred to the party injured; which value ſhall be aſcertained by the Iury that ſhall try the Fact, at the time of the Tryal, except the Court before whom the Conviction ſhall be, ſhall upon ſome ſpecial cauſe think fit to order the continuance of the Offender in the Houſe of Correction or Work-houſe for ſome longer time; in which caſe the ſaid party ſhall continue therein accordingly, ſo as ſuch time exceed not the ſpace of Three years. *Provided*, That unleſs there be ſome other lawful Witneſs or Witneſſes againſt the Priſoner, for proof of the Fact, beſides the Party whoſe Goods were ſtoln, or that the party confeſs the Fact, no Reſtitution of the treble value ſhall be in ſuch caſes awarded to the party: And the unlawful taking and carrying away of any thing fixed to the Free-hold, with a Felonious intent, ſhall be judged a Felonious ſtealing within this Law, in ſuch ſort as if the thing carryed away had been before ſevered from the Free-hold by ſome other.

SECT. 10.

That in all caſes (ſave in Man-ſlaughter, marrying a ſecond Husband or Wife, the former living, and in caſe of Theft as aforeſaid) where a man offending or convicted, might heretofore have had the Benefit of Clergy, in ſuch caſes any perſon convicted of any ſuch Offence, ſhall be burnt in the left hand with ſuch Mark as the Court ſhall appoint, and ſtand in the Pillory for the ſpace of

two hours at the leaſt, each time upon two ſeveral days in ſome publique Market-place, in the middle of the day, with their Offences legibly written upon their Foreheads, and be committed to the Houſe of Correction or Work-houſe, to be kept at hard labor for ſome ſpace of time, not exceeding three years, as to the Court where the Tryal is ſhall be thought fit; but ſhall not be releaſed before he have given Security for his good Behavior during his life.

SECT. 11.

That the Judgement for Women in any caſe to be burnt, be taken away; and from henceforth, where heretofore ſuch Judgement ſhould have been had, the Judgement hereafter ſhall be, That ſuch Woman ſhall be drawn upon a Hurdle to the place of Execution, and then be executed by Hanging, as in other caſes.

SECT. 12.

That where any ſhall be hereafter convicted for Clipping, Waſhing, Rounding, Filing, Diminiſhing, Falſifying or Lightning the Coyn of this Nation, or of Foreign Coyn, currant in this Nation, he and they ſo convicted ſhall have the ſame Judgement, and undergo the ſame Pains, Penalties and Forfeitures, as a perſon convicted for counterfeiting the Coyn of this Commonwealth ſhould have done at the making hereof.

SECT. 13.

That where any Childe, whether male or female, being of the Age of Fifteen years or under, ſhall be by violence or otherwiſe unlawfully taken away without the conſent of the Parents, Guardians, Tutors, or next Friends, to whom the cuſtody and care of ſuch Childe appertained, the perſons ſo wilfully taking away ſuch Childe or Children, and all aſſiſting, aiding and abetting thereunto, ſhall have Judgement of death. *Provided* always, That this Act extend not to any perſon taking any Childe, male or female, really and indeed claiming them as a Guardian.

SECT. 14.

That if any ſhall hereafter ſend to, or reſort to any perſon known by the name of a *Cunning-man*, or the like, for the diſcovery or finding out any Goods loſt or ſtollen, or to know who ſhall be their Husbands or Wives, or any other ſuch like future Contingencies; and all unlawfull Undertakers to make any ſuch Diſcoveries, who ſhall take upon them actually to do the ſame, being

thereof

thereof convicted, ſhall ſuffer Impriſonment in the Houſe of Correction or Work-houſe, by the ſpace of One year, and be kept to hard labor, and ſtand Four Market-days in the Pillory, ſix hours at a time, with a Paper on the Forehead declaring the Offence.

SECT. 15.

That the Judgement for the firſt Offence for ſtealing a Horſe, Mare or Gelding, picking a Pocket, or cutting a Purſe ſecretly, ſhall not be Death, but ſhall be to be burnt in the left hand, and to abide at hard labor in chains in the Work-houſe, by the ſpace of Two years together, and be whipped once every moneth; and not to be releaſed, until Reſtitution made to the Party injured treble the value, and when ever releaſed to have a Collar of Iron riveted about the neck to be ſeen; and if found without the ſaid Collar of Iron and convicted thereof, to ſuffer death.

SECT. 16.

That any perſon convicted of wilful Perjury or Subornation of Perjury, ſhall ſtand in the Pillory, and have both his Ears cut off, and alſo have his Noſtrils ſlit and ſeared with a hot Iron, ſo as they may remain as a perpetual Note or Mark of his Falſhood, and ſuffer Six moneths Impriſonment in the Work-houſe, without Enlargement, and be lyable to ſatisfie the Party damnified treble the value: And it is to be underſtood, That a wilful falſe Affidavit, or other wilful falſe Oath, upon any Anſwer in Chancery, or any other wilful falſe Oath in any Court of Record, is Perjury within this Law.

SECT. 17.

That every Reprieve from Execution by Judges, who have power to give Judgement of Death, ſhall contain the Reaſons thereof, and be entred with the Clerk of the Court where Judgement is given, and no Reprieve to be of force longer then the next Goal-Delivery, unleſs it be then continued in open Court.

SECT. 18.

That where any Proſecutor of any perſon for Burglary, Robbery, or any other Felonious Stealing, or any Witneſs (that ſhall attend to give Evidence to prove the Fact againſt ſuch Offender) ſhall perſonally deſire ſome Allowance from the Court where the Tryal ſhall be, towards their Charges of Attendance and Proſecution, and ſhall make Oath (if the Court require them) *That he or ſhe is not worth (beſides Debts paid) the ſum of One hundred pounds;*

in

in such case, as also for the Charge of removing Prisoners from one Goal or County to another, the Court where the Tryal is, shall from time to time allow out of the County Treasury, such sum and sums of Money to every such person as to them shall be thought meet. Provided, That this Act be not construed to alter or make void the Law already in force for defraying the charge of conveying Offenders to the Goal. Provided also, That the Justices who shall grant any such Allowance to a Prosecutor, have regard also to the treble value of the Goods stoln, in case such Prosecutor be in a possibility to receive the same.

SECT. 19.

That every person (other then the party injured, or any of his family) by whose care and pains any person shall be hereafter apprehended and convicted for Robbery, Burglary or Murther, shall (in case such person personally desire the same before the Court) have for reward for his good service done (by appointment of the Court to be forthwith paid out of the County Treasury) such sum as to the Court shall be thought fit, (not exceeding Ten pounds, nor being under Five pounds) and where the Apprehension shall be in one County and the Conviction in another County, such reward shall be paid in the County where the Conviction shall be.

SECT. 20.

That all Justices of the Peace be careful, upon the bringing any Offenders before them, not onely to take such Examinations and Informations as by Law is required, but also, if it shall appear to the Justice, that the person apprehended for any Burglary, Robbery, or any Felonious stealing, did commit the fact, such Justice shall express the same in his Warrant for the Commitment, and also in such case require the Keeper of the Goal (in case the Prisoner cannot maintain himself) to set the party so committed to hard labor, for his maintenance, until such party shall be delivered by due course of Law; And if the Goaler shall not accordingly cause every such Offender to be set at work, and be thereof duly convicted, he shall forfeit the sum of Twenty pounds, to be paid in to the County Treasury for the Stock of the Work-house.

SECT. 21.

That such as Kill themselves shall not forfeit any thing by reason thereof, unless at the time of the Fact committed they be under Restraint or Prosecution for some capital offence.

SECT.

SECT. 22.

That the Justices of Peace of each City and County within this Nation, at some General Sessions, shall from time to time make choice of some godly and painful Preacher, living near every Common Goal, who shall (in some fit place within the Prison, to be appointed by the care of the said Justices, and at such times as they shall think fit) Instruct and Pray with the said Prisoners; which person so chosen shall, during the pleasure of the said Justices, have such Allowance for his pains therein, to be paid out of the County Treasury, as to the said Justices, or to the greater number of them present, shall be thought fit.

SECT. 23.

That no person Indicted or Prosecuted shall pay any Fee at all, until a Verdict or Judgement; and where any party is acquitted, he shall pay no Fees at all: But the Court may in Criminal Causes, and not Capital, give Costs, either to the Prosecutor or party prosecuted, as shall be just, and award Execution for the same; and the party which hath the Costs, shall pay the Fees of the Court.

SECT. 24.

Whereas by divers Statutes heretofore made, the Crimes and Offences therein mentioned, are Ordained and Enacted to be heard and determined before the Justices of Peace in their Quarter Sessions; That for time to come, such Crimes and Offences in *London* and *Middlesex*, may be as well heard and determined, and have the like and same proceedings in any General and open Sessions of the Peace to be held for *London* or *Middlesex*, as if the same had been heard and determined in any General Quarter Sessions.

SECT. 25.

That it shall not be lawful for any person, who shall have any Goods Feloniously taken away, to bring any Civil Action for the recovery thereof, or for Damage for the same, before he have proceeded Criminally, with effect, against the Offenders; But he may bring his Action after such effectual prosecution.

SECT. 26.

AND be it further Enacted, That as well this present Act, as all Laws in force against Drunkenness, prophane Swearing, Cursing,

sing and Sabbath-breaking; As also an Act heretofore made for preventing the destroying and murthering of Bastard-Children, shall once every year (that is to say) at the General Session next ensuing the Twenty fourth of *June* yearly, be publiquely read by the Clerk of the Court, upon pain, that for his omission therein, he shall forfeit the sum of Ten pounds to the use of the County Treasury.

A Table of Fees, touching all Criminal Causes, to be hung up in every Court having Power in such Causes.

	l.	*s.*	*d.*
FOr a Recognizance out of Court to appear and answer, and for certifying it,	0	1	6
For a Warrant to appear and answer, or any Warrant for the Peace or Good-behavior,	0	0	6
To the chief Clerk for drawing an Indictment in Cases which are not for Felony, Or three pence for every twelve Lines, having ten Words in a Line, at his election.	0	0	6
For a Writ of Restitution in Forcible Entry (besides six pence to the Commonwealth for the Seal,)	0	1	0
To the Sheriff for Execution upon that Writ, to be paid by the party convicted of the Forcible Entry, if no opposition be made by him upon restitution,	0	10	0
And if opposition be made, ten pounds, whereof five pounds to the use of the Commonwealth,	10	0	0
To the chief Clerk, or Clerk of the Peace, upon every conviction for Felony or other capital Crime, to be paid by the Commonwealth out of the Fines and Forfeitures payable to them, in regard of his pains and care in making out Proces, taking and filing Recognizances and Examinations, drawing the Indictment, arraigning the Prisoner, entring his Plea, swearing the Jury, calling and swearing the Witnesses, managing the Evidence, reading the Examinations, entring the Verdict and Judgement, making forth the Warrant of Execution, certifying forfeited Recognizances and Forfeitures into the Court of Revenue, making the Writ of Execution for stoln Goods, and keeping Records,	0	5	0
For swearing an Informer, entring his Oath, and recording his Information upon a penal Law,	0	2	0

For

	l.	s.	d.
For a Summons, or other Proces upon an Information, to bring in a Perſon accuſed to appear and anſwer in any Criminal Cauſe, beſides ſix pence to the Commonwealth where the ſeal is affixed,	0	1	0
For entring every ſpecial Plea,	0	1	0
Or three pence for every twelve Lines with ten Words in each.			
To the chief Clerk for the proceedings in a Cauſe not Felonious, entring and recording Judgement either for or againſt a party accuſed, and certifying or diſcharge of Recognizance, to be paid by the party in default,	0	5	0
To the Cryer,	0	1	0
To the Martial,	0	1	0
For an Order or Rule, four pence, or two pence for twelve Lines, as aforeſaid,	0	0	4
For entring the Diſcharge from the Peace or Good-behavior,	0	0	6
For pleading, entring and allowing of Pardons, to the Clerk,	0	5	0
For an Oath in Caſes not relating to Felony,	0	0	4
For a Writ to have the Body, or remove a Priſoner,	0	1	0
For all Copies of Records, Informations, Indictments and Recognizances, for every twelve Lines, as aforeſaid,	0	0	2
To the chief Clerk annually to be paid out of Fines and Forfeitures due to the Commonwealth, for making Proces to remove Priſoners, and for his pains and trouble in all Caſes on behalf of the Commonwealth where no Fee is allowed.			
To a Goaler, for a Priſoner committed for any Crime, to be paid at the Diſcharge,	0	2	6

AND be it further Enacted, That if any Officer, Clerk of any Court of Iuſtice, or Miniſter of Iuſtice, Iaylor or Keeper of any priſon, ſhall demand or receive any more or other Fee, then as before expreſſed, in reference to any criminal Cauſe, not being allowed by Act of Parliament, or any thing for Expedition, the ſame ſhall be adjudged Extortion.

Touching Appeals.

BE it Enacted by the Authority of this preſent Parliament, That all the Judges in the Courts of Chancery, Upper-Bench and Common-Pleas, ſhall be Eligible at the end of every

third year, and none to continue above three years without a new Election, and ſhall receive an Honorable Salary from the Commonwealth, to be appointed by the Parliament: And if they ſhall directly or indirectly take any Fee or Reward, other then what ſhall be appointed by the Parliament, the ſame ſhall be puniſhed as Extortion, and the party convicted ſhall be diſabled to hold any place of Truſt and Profit in this Commonwealth: And the Court, where any perſon ſhall be queſtioned for ſuch Extortion, may give the Proſecutor ſuch ample recompence out of the Offenders Fine, or impoſe Coſts and Damages upon a falſe and malicious Proſecutor, as they ſhall finde juſt.

AND be it further Enacted, That in all Civil and Criminal Cauſes, there may be an Appeal from the ſaid Courts; and to that end, once every year, twenty perſons ſhall be choſen by the Parliament, or in the interval of Parliament, by the Councel of State, (whereof none to be pleading or practiſing Lawyers, Judges or Officers of any of the ſaid Courts) who ſhall be reſident in or near *London*, and ſhall be Judges of Appeal for a year next enſuing, and until new be elected; and their Names forthwith certified by the Clerk of the Parliament, or of the Councel of State, into the Court of Chancery, and there entred into the Regiſters Books; and if any of them dye within the year, or become unable to perform the ſervice, others ſhall be choſen in their ſtead; But none to be choſen two years together without his conſent.

That upon any unjuſt Decree, Judgement, or Proceedings in any of the ſaid Courts, the Appeal ſhall be put in Writing, and delivered at the Regiſters Office in Chancery, with all the Grounds and Reaſons thereof, ſigned with the hand of the party Appealing, or the hand of his Councellor or Attorney, whereupon the Regiſter ſhall forthwith enter the ſame into the Regiſter-Book, and the time when it was entred, and deliver back the Original, ſigned with his hand, to the party bringing the ſame (taking therefore Twelve pence, or Two pence for every twelve Lines, with ten Words in a Line, at his election, and no more:) And the party is then without delay to deliver a Copy thereof to ſome Judge of the Court from whence he doth Appeal, and another Copy to the adverſe party or his Attorney; and if the party Appealing be not relieved by that Court, according to Juſtice, touching the matter of his Appeal, within ſeven Days after the next ſitting of the ſaid Court where the Cauſe depended, he may repair to the Regiſter in Chancery, and depoſiting Ten pounds with him, (unleſs admitted to ſue as a Poor man, and in that caſe nothing) the ſaid Regiſter ſhall forthwith ſhew the Names of the twenty Judges of Appeal, written in ſeveral Papers, unto the party Appealing, his Solicitor or Attorney, and put them into a Box, and ſuffer him to draw out

ſeven

ſeven of them by lot, and not by choice; and thoſe ſeven ſhall be Iudges of that Appeal: And thereupon the Regiſter ſhall draw and enter an Order, and deliver a Copy thereof ſigned with his hand, to the Party appealing, his Solicitor or Attorney (taking Twelve pence for the ſame and no more) the Title whereof ſhall expreſs the Day of the Moneth when the Names were ſo drawn out, and the Names of the Parties between whom, and the Court where, and then ſhall Order to the effect following:

Upon the Appeal of A. B. *Theſe are to require you* [*naming the Seven perſons choſen Judges of the Appeal*] *to meet this day Seven-night in the Court of* [*naming the Court where the Cauſe depends*] *at Two of the clock in the Afternoon, and one of the Judges of the reſpective Courts thereto appointed by Parliament, are alſo required to be preſent; and you are to hear and determine the ſaid Appeal without delay, and to do and act according to juſtice.*

That one Judge of each of the ſaid three ſeveral Courts, ſhall (by the reſt of the Judges of the ſaid ſeveral Courts, upon notice of the ſaid Order) be appointed to joyn with the ſaid Judges of Appeal in hearing the ſaid Appeal, and two of the ſaid three Iudges (not being a Iudge of the Court where the Cauſe did depend) to joyn alſo in determining the ſame; and what the ſaid Nine Iudges, or any five or more of them, ſhall determine touching the ſaid Appeal, ſhall be final: And the ſaid Iudges of Appeal, after their firſt ſitting, ſhall proceed without delay to determine the ſaid Appeal; and ſhall upon their firſt meeting together, take the Oath which the Iudges uſually take, which they may adminiſter each to other; and ſhall give their Iudgement upon the ſaid Appeal, onely upon what is entred in the ſaid Regiſter-Book.

That where the Appeal ſhall be for any Cauſe before the ſetling the Court of Appeal, the ſaid Appeal ſhall be entred within Twelve moneths next after the Court of Appeal is ſetled; And ſhall be for ſome cauſe of Appeal ariſen ſince the Third day of *November* 1638, or complained of ſince that time in Court of Record, or by Bill or Petition: And the time for Appeals, as to any matter of Injuſtice, after the ſetling the ſaid Court of Appeal, ſhall be within Twenty days next after the Appellant hath notice of the Injuſtice whereof he complains.

That if the Appeal be adjudged cauſleſs, the ſaid Ten pounds depoſited ſhall be paid to the Commonwealth, otherwiſe repaid to the Party: And the ſaid Judges of Appeal ſhall give full coſts to either party reſpectively, and damages as they ſhall finde cauſe: And where the Appeal is onely from unjuſt proceedings before Iudgement or Decree, and the Appeal found juſt, they ſhall (beſides Relief upon the Appeal) proceed to hear and determine the

whole Cauſe, according to the due proceedings of the Court where the Cauſe firſt depended, and give ſuch final Iudgement and Decrees in all Cauſes before them as ſhall be juſt, and award Execution accordingly; And to that end the Regiſter or Clerk of the Rules where ſuch Cauſe depended, ſhall attend the ſaid Judges of Appeal from time to time, and enter their Orders, Rules and Decrees: And all the Officers of the ſaid reſpective Courts, and Miniſters of Juſtice, are to take care that Execution be done upon the ſame, as in caſes of Judgements, Orders or Decrees, in the ſaid reſpective Courts.

That if any drawn by Lot to be Judge of Appeal, be ſick or abſent, or unable to ſit (Oath being made thereof) the Party appellant or his Solicitor, may reſort to the Regiſter of the Chancery, and inform him thereof, and ſhall draw another in his ſtead: And the Regiſter ſhall make like Order for his joyning with the other Judges; and in caſe there be any wilful default in Non-attendance in any perſon appointed to hear Appeals, ſuch perſon ſhall forfeit Ten pounds, and the Regiſter of the Chancery for every default Twenty pounds, one half to the Commonwealth, the other to the party appealing: And the ſaid Judges of Appeal, or any five of them, may impoſe ſuch Fine upon the Clerks, Officers and Miniſters of Iuſtice, as they ſhall finde juſt, for any Neglect or Default contrary to this Act.

That if the ſaid Iudges of Appeal, by reaſon of multiplicity of Appeals, or other juſt cauſe, cannot attend the Hearing and Determining Appeals at the preciſe times appointed by this Act, yet the ſaid Iudges of Appeal ſo appointed, or any five or more of them, may meet at ſome other time, and hear and determine the ſame, and not be tyed up to Formalities of Adjournments, or any legal Niceties in the courſe of their Proceedings; but ſhall obſerve the Hearing of Appeals in the order of time as they are entred with the Regiſter.

That after Judgement in any Criminal or Civil Cauſes upon any injuſtice in Iudgement or Proceedings, there may be an Appeal from the Courts of County Iudicature, and the Courts of Record of *London*; ſo always as the Appeal, and all the Grounds and Reaſons thereof be put in writing under the hand of the Party appealing, his Councel or Attorney, and delivered to the chief Clerk of the Iudicature or Court, within Twenty days next after Iudgement, who ſhall enter the ſame in the Book of Rules of the ſaid Court, (taking like Fees for the ſame as the Regiſter of Chancery) and delivering the ſame back, ſigned with his hand, and the time of Entry: And if the Party appealing be not relieved touching the matter of his Appeal in the ſaid Court, within Seven days after the next ſitting of the Iudicature or Court for hearing and determining ſuch Cauſes, he may in all criminal Cauſes or Indict-

ments,

ments, or Informations upon Penal Statutes, reſort to the chief Clerk of the Upper-Bench; And in all Civil Cauſes, to the chief Clerk of the Common-Pleas; And leave with them a true Copy of the ſaid Appeal, depoſiting Ten pounds in their hands (unleſs admitted to ſue as a Poor-man, and in ſuch caſe nothing:) And the ſaid Chief Clerk ſhall acquaint the ſaid Court therewith, who are conſtituted Judges of Appeal in ſuch Caſes, and ſhall thereupon appoint a certain time for hearing and determining the ſame in preſence of three or more of the Judges of the ſaid reſpective Courts; of which, no Judge to be any that had to do in the Buſineſs Appealed from, either in Term or out of Term, and (without any formality of Legal Proceedings) ſhall hear and finally determine the ſame according to Juſtice, and ſhall award Judgement and Execution accordingly; and ſhall give in every Appeal full Coſts to either party, and Damages as ſhall be juſt; and if the Appeal be cauſleſs, the Ten pounds depoſited ſhall be paid to the Commonwealth; but if it be adjudged good, it ſhall be repaid to the party Appealing: But the Court where the Cauſe firſt depended, ſhall in no caſe ſtay their Proceedings, till they be ſo Ordered by the Judges of Appeal, which is not to be done in any Cauſe, until they finde cauſe to give the Appellant Relief upon a full hearing of the Appeal: And the Judges of either of the ſaid Courts ſhall proceed with all expedition, and not ſuffer any Appeal to depend above Forty days before them undetermined; and if they ſhall, the party Appealing may Appeal from them to the twenty Judges of Appeal, for delay in doing Juſtice, and alſo upon the matter of his Appeal, and have like Relief, as in caſe of Injuſtice in Judgement or Proceedings in either of the ſaid Courts: And after Judgement in any City, Corporation or Borough-Court of Record, other then *London*, a like Appeal may be had to the County Judicature within which ſuch City, Corporation or Borough doth lie, to be heard and determined in the General Seſſion, declaring the grounds of the Appeal, and Depoſiting Ten pounds as aforeſaid.

AND laſtly be it Enacted, That where any perſon is admitted to ſue as a Poor man, and ſhall Appeal, and the ſame ſhall be adjudged cauſleſs, he ſhall be ſent to the Work-houſe to continue there for a Moneth, and alſo be whipt.

Provided always, That nothing in this Act touching Appeals, is to extend to capital Cauſes; and that from and after no Writ of Error, or Bill of Review ſhall be admitted where an Appeal lieth by this preſent Act.

The

The Forms of Declarations, which are to be Presidents.

Middlesex.

A. B. *complains of* C. D. *of* *Gent. for not paying him Twenty pounds according to his promise, being so much indebted to him the* *day of* *to his damage of*

Hertford.

R. S. *complains of* D. L. *of* *for not delivering him Twenty Quarters of Mault, which the* *day of* *he promised for good Considerations to deliver, to his damage of*

London.

I. B. *complains of* I. W. *of* *for not paying him Ten pounds debt and Five pounds damages, which is due from him by Bond, Dated the* *day of* *to his damage for not paying it.*

Surrey.

I. B. *complains of* W. A. *of* *for breach of Covenants in an Indenture, Dated the* *day of* *in the year* *between the said* I. *on the one part, and the said* W. *of the other part, whereby the said* I. *leased to the said* W. *an Inne called the* Tun, *in* *in the said county, with the Appurtenances, from the* *day of* *before the Date for* *years: Which Breaches are for suffering the said Messuage of the price of* *and a Gate-house of the value of* *parcel of the demised Premises, to be uncovered, broken, and in decay for want of Tiling, Bricking and Plaistering the Walls, the* *day of* *and from thence to the* *day of* *following, by reason whereof the Studs and Rafters of the said demised Premises, by wind and rain, became rotten; and the said Messuage and other the said demised premises became ruinous; and left the said Messuage and other the said demised Premises out of repair at the end of his Term, and did not yield up the Possession of the said Messuage and demised Premises to the said* I. *the* *day of* *when the Term ended: In all which Particulars the said* W. *brake his Covenants in the said Indenture, to the damage of the said* I. *of*

Norfolk.

I. H. *complains of* A. B. *of* *for that the said* A. B. *at* Norfolk *Sessions for the Peace, the* *day of* *did falsly and maliciously cause the said* I. H. *to be Indicted for stealing a Cloak, whereupon he was acquitted, to his damage of*

Norfolk.

Norfolk.

E. F. *complains of* A. B. *and* C. D. *for that they by conſpiracy between them, did at* Norfolk *Seſſions for the Peace, the third day of falſly and maliciouſly cauſe him to be indicted for Stealing a Cloak, and thereupon to be detained in Priſon till the day of when he was lawfully acquitted, to his Damage of*

Northampton.

A. B. *complains of the Inhabitants of the Hundred of* M. *for that he was robbed of the day of in the day time, at a place called the in the Pariſh of in the Hundred of by men unknown; and though he made* Hue and Cry, *and made Oath before* I. F. *a Juſtice of Peace of the ſaid County, according to the Statute, That he did not know the Parties that robbed him, nor any of them; and forty days are paſt ſince the ſaid Robbery, yet the Hundreds have not taken any of the ſaid Robbers, nor made him amends for the ſaid Robbery, to his Damage of*

Wilts.

E. P. *complains of* G. W. *of for ſpeaking theſe falſe and ſlanderous words to him the day of to wit* (Thou art a Thief) *to his Damage of*

Somerſet.

M. P. *complains of* G. W. *for that whereas there was a Treaty of Marriage between her and one of the ſaid* G. W. *ſpoke theſe falſe and ſlanderous words of her the day of* (M. P. hath had a Baſtard) *by which ſhe loſt her ſaid Marriage, to her Damage of*

London.

T. W. *complains of* R. W. *that the ſaid* T. *being a Tradeſman, the ſaid* R. *the day of ſpoke theſe falſe and ſlanderous words of him, to wit* (T. W. is a Bankrupt) *to his Damage of*

Somerſet.

T. W. *complains of* R. W. *of for Forty pounds Debt and Damage, for not ſetting out his Tythe of Acres of Wheat growing in the ſaid Pariſh in* 165 *which belongs to the ſaid* T. *being Owner of the ſaid Tythes in that Pariſh, which Tythes were worth And the treble value payable by the Statute for Not-ſetting them out is the Non-payment whereof is to his Damage of*

Suffolk.

Suffolk.

B.S. *complains of* A.B. *of* *for Treſpaſs done in a houſe in wherein the ſaid* A.B. *now dwells, and* *Acres of Paſture, and* *Acres of Land uſed with the ſaid Houſe the* *continuing the Treſpaſs till the* *following, and withholding the poſſeſſion of the ſaid Houſe, Paſture and Land from him, to his Damage of*

Eſſex.

R.F. *Adminiſtrator of* A.C. *who died the* *day* *complains of* D.E. *of* *for that whereas* E.R. *did the* *day of* *leaſe to* M.O. *a houſe in* *for* *years from the date of the ſaid Leaſe, at the yearly Rent of* *payable every* *by equal portions; and whereas the ſaid term by mean Aſſignments came to* D.E. *and the Reverſion of the ſaid Houſe by mean Aſſignment came to the ſaid* A.C. *there being* *for a years Rent due the* *day* *payable to the ſaid* R.F. *by the ſaid* D.C. *that he hath not paid it, to his Damage of*

Rutland.

A.B. *demands of* C.D. *of* E. *and* R.F. *of* G. *that they make partition of the Manor of* M. *in the Pariſh of* L. *whereof one part belongeth to the ſaid* A.B. *and his Heirs* [*or to the ſaid* A.B. *for* *years*] *which are to end the* *day of* *which will be in the year*

Lincoln.

A.B. *complains of* C.D. *of* E. *for waſte done by the ſaid* C.D. *in a Houſe in* E. *aforeſaid (in pulling the ſame down, or &c.) which he holdeth for a Term of years (or which he holdeth in Extent upon an Execution) the Inheritance whereof belongs to the ſaid* A.B. *to his Damage of* *which being trebled amounteth to* *The which the ſaid* A.B. *requires from the ſaid* C.D. *and alſo the place waſted.*

Cumberland.

M.B. *the Widow of* C.D. *of* R. *demands from* E.F. *her Dower of the Manor of* F. *which was the Inheritance of the ſaid* C.D. *of which ſhe is dowable, who died ſeiZed of the ſaid Manor the* *day of* *of the value of* *by the year, which the ſaid* E.F. *withholds, to her Damage of*

Or may leave out the words of *Dying ſeiZed*, when he did not.

Read, Jan. 21. 1652. Exam' by *Tracy Pauncefote* Secr'.

London, Printed by *John Field*, Printer to the Parliament of *ENGLAND*.